

September 9, 2023

Case No. 1:11-cv-08808

APPENDIX 9-1
Kraft Foods Global, Inc., et al. v. United Egg Producers, Inc., et al.
Plaintiffs' Trial Exhibit List

Plaintiff Exhibit	Plaintiff Initial Reference No	Date	Beg Bates	End Bates	Descriptions	Defendants Objections	Basis for Admissibility	Business Record Stipulation
0001	1	8/2/1999	UE0064456	UE0064459	United Voices Newsletter.	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article at bottom of page 2 and on page 3 are statements by a party-opponent and co-conspirator statements under 801(d)(2)(A) and (E). Admissible against all defendants. Remainder will be redacted, including "Washington Report" attachment.	
0002	6		UE0174372	UE0174372	Editorial by Moark's Joe Fortin	105; 402; 404(b); 403; 802	Relevant co-conspirator statements under 801(d)(2)(E) that discusses plan. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0003	7	N/A	N/A	N/A	Website printout of Rose Acre Farms re Rose Acre's vertical integration Rust Ex. 36	105; 802	Relevant statement by party-opponent under 801(d)(2)(A) that discusses Rose Acre's business model. Admissible against Rose Acre.	
0004	8	N/A	N/A	N/A	Website printout of Rose Acre Farms - Commodity Eggs defining commodity eggs and production output at certain facilities Rust Ex. 34	105; 802	Relevant statement by party-opponent under 801(d)(2)(A) that discusses Rose Acre's business model. Admissible against Rose Acre.	
0005	9	N/A	N/A	N/A	Website printout of Rose Acre Farms Company History showing Rose Acre operates 17 facilities in six states Rust Ex. 32	105; 802	801(d)(2)(A). Admissible against Rose Acre.	
0006	12	N/A	UE0297246	UE0297262	Composite Exhibits of UEP Marketing & Price Discovery Committee Conference Call Minutes for 02/23/00 & 11/22/99 & UEP's Export Committee Conference Call Minutes	105; 402; 403; 802; 805; 1006	801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0007	13	N/A	UE0216829	UE0216829	Rose Acre Certification of Animal Husbandry "Certified Company"	None		
0008	14	N/A	UE0174291	UE0174295	List of ConAgra suppliers - Animal Husbandry "Certified Companies"	802; 901	Rule 801(d)(2)(A) and (E) and Rule 803(6). Admissible against all defendants.	
0009	17	N/A	MFI0023056	MFI0023057	UEP Notice to Members attaching Animal Welfare - Area Meeting Dates. C Gregory Ex. 7	105; 602; 701; 802	801(d)(2)(A) and (E). Admissible against all defendants.	
0010	19	N/A	MFI0006321	MFI0006322	Egg Industry Economic Alert T. Baker Ex. 7	105; 403; 802	801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0011	24	5/8/2018	PX 719	PX 719	Rose Acre Farm Videos	105; 106; 402; 403; 404(a); 602; 802; 805; 901	Shows Rose Acre's mistreatment of hens after being certified by UEP. Relevant to show Rose Acre was not motivated by animal welfare concerns and that UEP program was not effective for animal welfare. Probative value not substantially outweighed by unfair prejudice. Admissible against Rose Acre and UEP.	

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0012	25	7/19/2015	RA0005033	RA0005049	Rose Acre Vendor Profile and Company Descriptio	None		Yes
0013	30	8/10/2012	RA0075147	RA0075150	February 2005 UEP Animal Husbandry Guidelines Monthly Compliance Report	None		Yes
0014	31	10/25/2011	UE0099338	UE0099338	USEM Export Conference Call Minutes.	402; 403; 802; 805	Evidence of exports and plan to increase price as a result; admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0015	34	8/31/2009	MFI0017437	MFI0017439	UEP Certified Certification, Michael Foods Egg Products Co., and 8/31/2009 transmittal letter from Gene Gregory to Tim Beebe	105; 802; 901	Evidence of Michael Foods as co-conspirator. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0016	35	4/13/2009	SF003886	SF003886	Gene Gregory email to UEP Members/Staff re: Don Bell's Retirement	105; 802	Rules 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0017	40	10/1/2008	UE0291549	UE0291549	USEM Members & Supporters, October 2008 Report	105; 402; 403; 802	Relevant to show exports. Admissible under rule 801(d)(2)(A) and (E). Business record under Rule 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0018	42	9/24/2008	MFI0321384	MFI0321389	Beebe email to Muller, Morton, Ericson, Roberson, Leske & Waltz re: antitrust	402; 403; 802; 805	Relevant, non-hearsay use (notice and effect on listener); admissible under Rule 801(d)(2)(E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0019	43	9/16/2008	UE0354876	UE0354876	Gene Gregory email to Chad Gregory & Mike McGriff re: Wal-Mart	105; 802; 805	Rule 801(d)(2)(A) and (E). Admissible against all defendants.	
0020	44	9/16/2008	UE0312433	UE0312437	UEP Summary of Exports from 2000 to 2008	105; 402; 403; 802	Relevant evidence of exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0021	46	8/27/2008	UE0353866	UE0353869	Tony Airos (Walmart) email exchanges to Chad Gregory re: Feedback from our meeting	105; 402; 403; 802	Relevant statements made in furtherance of the conspiracy by a party-opponent and co-conspirator under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0022	48	8/11/2008	UE0547561	UE0547562	Email exchange with Chad Gregory (& Gene Gregory) and Daniel Curran	105; 802	Non-hearsay use under 801(c) and 801(d). Admissible against all defendants.	

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0023	49	8/7/2008	RAUPDATE0020176	RAUPDATE0020206	Email from David Hurd with attachments	105; 802	Rule 801(d)(2)(A) and (E); 803(6). Admissible against all defendants.	No to email, yes to attachments
0024	50	8/1/2008	UE0271763	UE0271764	August 2008 Export Case Volume.	402; 403	Relevant to show exports. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0025	52	8/1/2008	RA0019214	RA0019216	Gene Gregory memo to Marcus Rust (Rose Acre)	None		Yes
0026	53	7/31/2008	RA0045789	RA0045790	Memo to USEM members	None		Yes
0027	54	7/30/2008	UE0198155	UE0198155	Email from M. McGriff	105; 802; 805	Rule 801(d)(2)(A) and (E). Admissible against all defendants.	
0028	56	7/18/2008	RAUPDATE0018104	RAUPDATE0018104	Email from Greg Hinton to Ann Mesavage (Kraft) re: Evaluation of Egg Input Costs	105; 802	Rule 801(d)(2)(A) and (E). Admissible against all defendants.	
0029	57	7/15/2008	UE0431167	UE0431175	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "My Egg Industry Concerns," "Molt Survey," and "Egg Breaking Report" and statistics re flock size are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report" attachment. Admissible against all defendants.	
0030	58	6/24/2008	RA0075663	RA0075678	Rose Acre UEP Audit Results	403; 802/805	Probative value not substantially outweighed by unfair prejudice. Admissible under 801(d)(2)(A) and (E), 803(6). Admissible against all.	Yes, but hearsay as to auditor comments
0031	59	6/10/2008	MFI0621980	MFI0621981	UEP Certified Certification, Michael Foods Egg Products Co., and 6/10/2008 transmittal letter from Gene Gregory to Terry Baker	105; 802	Evidence of Michael Foods as co-conspirator. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes to certification
0032	60	5/30/2008	UE0918791	UE0918797	Email exchanges between Gene Gregory and Don Bell re: The California Farm Initiative	105; 701; 802; 805	801(d)(2). Admissible against all defendants	
0033	62	5/9/2008	RA0044404	RA0044406	Email to USEM members requesting vote on export order	105; 402; 403; 802	Relevant to show exports; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	
0034	66	3/3/2008	UE0857704	UE0857704	Mike McGriff email to Gene & Chad Gregory re: Cal-Maine Visit (Dolph)	105; 802; 805	801(d)(2)(A) and (E) and 803(6). Admissible against all defendants	

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0035	68	1/22/2008	UE0153930	UE0153931	UEP Marketing Committee Meeting Minutes.	105; 402; 403; 802; 805	Relevant to exports; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	Yes
0036	69	1/22/2008	RAUPDATE0015948	RAUPDATE0015951	Ty Harweger internal email re: RAF Layer Capacity Update	None		Yes
0037	70	1/3/2008	UE0619780	UE0619789	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles on page 1, pages 3-4 ("The Greatest Myths"), admissible under Rule 801(d)(2)(A) and (E). statistics on 5-6 on flocks and prices. Other portions will be redacted, including "Washington Report".	
0038	73	12/31/2007	RA0069068	RA0069072	2007 Marketing - Statistics Area Meetings.	105; 402; 802	Relevant statement by party opponent and in furtherance of conspiracy. Admissible under 801(d)(2)(A) and (E); 803(6)	
0039	75	12/22/2007	UE0214772	UE0214772	2007 USEM Membership Agreement & Export Commitment - Rose Acre	402; 403	Relevant to exports; probative value not substantially outweighed by unfair prejudice. 803(6). admissible against all.	
0040	76	12/13/2007	UE0213419	UE0213422	United Voices Newsletter	802*	Articles "Supply/Demand" and "Egg Breaking Report" admissible under 801(d)(2)(A) and (E). Remainder will be redacted.	
0041	77	12/10/2007	UE0615194	UE0615195	Chad Gregory email to Mike McGriff forwarding request from John Todd	105; 402; 405; 802	Relevant to show success of conspiracy, including flock reduction and effect of exports. Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0042	78	11/19/2007	MPS-00121819	MPS-00121819	Email exchange between Gene Gregory and Bob Krouse re: MPS Market Analysis	105, 403, 602, 701, 802, 805, 901	Probative value that shows impact of animal welfare guidelines to reduce egg supply not substantially outweighed but unfair prejudice. Admissible under 801(d)(2)(A) and (E). Admissible against all Defendants.	
0043	79	10/26/2007	CM00455778	CM00455788	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Speakers, Producers and Consultants Address Animal Welfare"; "Cage-Free Animal Husbandry Guidelines"; and "Nation's Hen Inventory and Hatch Report" admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report". Admissible against all defendants.	
0044	81	10/18/2007	CM00729846	CM00729854	UEP Board of Directors Meeting Minutes.	105, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0045	83	10/1/2007	UE0212725	UE0212725	USEM Members & Supporters, October 2007 Report	105; 402; 403; 802	Relevant to show exports; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	

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0046	84	10/1/2007	CF0000613	CF0000621	Email chain with C. Gregory and symposium organizers	105, 402, 403, 802, 805	Relevant statements made in furtherance of the conspiracy by a party-opponent and co-conspirator under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0047	86	8/28/2007	RA0076260	RA0076262	Rose Acre UEP Audit Results	None		Yes
0048	87	8/17/2007	CM00448920	CM00448926	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "USEM Export"; "Dried Egg Inventory"; "Letter to Bay Area Vegans"; "Costs of Alternative Housing Systems"; "Interesting Numbers" are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0049	88	8/9/2007	RWS 000033136	RWS 000033136	Paul Sauder Email re RW Sauder USEM Export Commitment	105, 602, 802, 901	Relevant, non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0050	89	8/9/2007	RAUPDATE0080109	RAUPDATE0080109	Marcus Rust Email exchange with Larry Seger	105; 402; 403; 802	Relevant to show Defendants did not conduct business in the open and to show exports. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0051	92	8/2/2007	MFI0356331	MFI0356340	Email from Patricia Hugg to Tim Beebe re: UEP Newsletter	105; 402; 403; 602; 701; 802; 805; Noerr-Pennington	Article "July 1st Flock Inventory" is relevant to show flock size; statistics are relevant to flock size and price; admissible under 801(d)(2)(A) and (E); irrelevant portions will be redacted. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0052	94	5/31/2007	UE0094181	UE0094182	April-May 2007 Export Case Volume	402; 403	Relevant to show exports. 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0053	95	5/30/2007	KRA00026658	KRA00026663	Greg Hinton letter to John Gregory (Kraft Foods)	105; 802; 805	Admissible under 801(d)(2)(A). Admissible against Rose Acre and UEP.	
0054	96	4/30/2007	UE0282296	UE0282296	Linda Reickard memo to John Glessner	105; 802	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0055	98	3/14/2007	UE0133214	UE0133217	United Voices Newsletter	802*	Article "Two Important Events Are About to Take Place" and statistics re flock size and price are admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0056	100	3/12/2007	N/A	N/A	Special Report - Pope Interview. Feedstuffs	802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0057	101	3/5/2007	RASEYMOUR000021053 8	RASEYMOUR000021054 7	Rose Acre Invoices	None		

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0058	102	2/14/2007	RWS 000043435	RWS 000043442	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "USEM Takes Another Export" and "Industry's Largest Producers" are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0059	103	2/13/2007	CM00404138	CM00404139	USEM letter to Cal-Maine	None	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0060	104	2/5/2007	RWS 000030986	RWS 000030986	Paul Sauder email to Gene Gregory	105, 602, 802, 901	Relevant, non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0061	105	2/2/2007	UE0133262	UE0133265	United Voices Newsletter	802*	Article "The Egg Market" and "Scientific Committee for Animal Welfare" are admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0062	106	2/1/2007	UE0090761	UE0090762	February 2007 Export Case Volume	402; 403	Relevant to show exports. 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0063	107	1/31/2007	RAUPDATE0040047	RAUPDATE0040047	Rust email to Gregory re USDA Program.	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0064	108	1/30/2007	UE0211173	UE0211176	76 UEP certified Companies and Licensed Marketers Revised	105; 802	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0065	109	1/24/2007	RAUPDATE0069563	RAUPDATE0069567	UEP Board of Directors Meeting Minutes.	105; 802; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0066	110	1/23/2007	UE0211918	UE0211919	UEP Marketing Committee Meeting Minutes.	402; 403; 805	Relevant to exports and to show plan to raise prices; Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	Yes
0067	112	1/18/2007	RWS 000043419	RWS 000043424	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Strong Egg Market" and "Interesting Numbers" are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including Washington Report. Admissible against all defendants.	
0068	113	1/12/2007	MFI0149189	MFI0149189	Gene Gregory email to T Baker & T Beebe re: Animal Welfare Audit	802	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0069	114	1/9/2007	UE0475506	UE0475506	Gene Gregory email exchange with Linda Reickard re: Export Loss	105; 402; 403; 802	Relevant to exports; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	

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0070	115	1/4/2007	RWS 000000428	RWS 000000437	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "USEM Export", "Egg Product Exports", "December 1st Flock size", "UEP's Role in a Profitable Industry" and statistics re flock size and price are admissible under 801(d)(2)(A) and (E); other portions will be redacted., including "Washington Report." Admissible against all defendants.	
0071	116	1/3/2007	MFI0133867	MFI0133868	MFI internal email between G. Ostrander and M. Elliot et al re UB	402; 403; 802	Relevant to exports and expected price increase; admissible under 801(d)(2)(E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0072	117	1/1/2007	UE0807907	UE0807911	January 2007 Executive Committee Meeting Speech thanking members for selecting him as President	105; 802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0073	118	1/1/2007	UE0721807	UE0721808	USEM January 2007 Membership List	402; 403	Relevant to exports. 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0074	119	12/27/2006	UE0214775	UE0214775	Sauder USEM membership agreement and export commitment.	402; 403	Relevant to exports. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0075	120	12/22/2006	MOARK0003709	MOARK0003710	Gregory email to certain producers re: Some Good News	105; 402; 403; 802	Relevant to exports; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0076	121	12/21/2006	NL001760	NL001760	Gregory email to Seger and others re: List of Producers	105, 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0077	122	12/21/2006	UE0153488	UE0153488	USEM Export Committee Conference Call Meeting Minutes	105; 402; 403; 802; 805	Relevant to exports; admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0078	123	12/8/2006	MFI0110364	MFI0110364	Email from Gene Gregory to Joe Maust, et al. re: Supply/Demand	402; 403; 802	Relevant to show conspiracy to reduce flocks through molting and early slaughter during periods of low demand. Probative value not substantially outweighed by unfair prejudice. Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0079	124	11/30/2006	RA0001339	RA0001345	United Voices Newsletter	802*	Articles "Big Apology", "Committee Appointments for 2007", and "Chick Hatch and Flock Size" are admissible under 801(d)(2)(A) and (E); other portions will be redacted. PAdmissible against all defendants.	
0080	125	11/22/2006	UE0475456	UE0475457	Wayne Winslow email exchange with Gene Gregory re: Cost of Export	105; 402; 403; 802	Relevant to exports; admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice. Willing to redact top email from Winslow.	

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0081	127	11/1/2006	UE0133380	UE0133383	United Voices Newsletter	802*	Articles "USEM Takes Export Order," "USEM Annual Meeting," "2007 Committee Appointments," and "Free Range" are admissible under 801(d)(2)(A) and (E); other portions will be redacted. Admissible against all defendants.	
0082	129	10/27/2006	CM00727158	CM00727162	Gregory Ex. 76 Dolph Baker email to Ryn McDonald re Klippens Meeting.	602, 802, 805, 105	Admissible under 801(d)(2)(A) and (E), and for a non-hearsay use (effect on the listener). Admissible against all defendants.	
0083	130	10/20/2006	UE0199769	UE0199769	USEM letter to UEP members	105; 402; 403	Relevant to exports; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0084	131	10/11/2006	Hillandale-PA 00006147	Hillandale-PA 00006165	UEP Marketing Committee Meeting, San Antonio, Texas,	802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0085	132	10/10/2006	UE0225734	UE0225751	UEP - Animal Welfare Committee Meeting Minutes, San Antonio, Texas.	105; 402; 403; 802; 805	Relevant to show animal welfare guidelines, including feeder space, cage height, and ammonia levels. Probative value not substantially outweighed by unfair prejudice. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0086	133	10/3/2006	UE0806536	UE0806536	Emails from Gene Gregory to P. DeCoster, T. Wasmund and J. Glessner	105; 802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0087	134	9/6/2006	MFI0452047	MFI0452052	Michael Foods PowerPoint titled, "Nestle USA - UEP Certified Update - September 6, 2006"	105; 802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0088	135	8/31/2006	RAUPDATE0038374	RAUPDATE0038377	Rust email exchanges with Gregory re complaining that Michael Foods is backfilling	105; 403; 802; 805	Relevant to show conspiracy to reduce egg supply through backfilling ban and Certified Program compliance. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0089	136	7/5/2006	MFI0024017	MFI0024026	Letter from Gene Gregory to Terry Baker enclosing signed License Agreement for Marketing of UEP Certified Eggs	105; 602; 802; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0090	137	7/3/2006	RA0037851	RA0037852	Email exchanges between Ky Hendrix & Marcus Rust re: Idea for future	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0091	139	6/2/2006	NL004005	NL004005	Gene Gregory email to UEP Members			
0092	140	6/1/2006	UE0153007	UE0153008	Minutes of UEP Board of Directors Conference Call, June 1, 2006	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes

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0093	142	5/25/2006	UE0153009	UE0153010	Minutes of Animal Welfare Committee Meeting Conference Call, May 25, 2006	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0094	144	5/16/2006	UE0292916	UE0292919	UEP Board of Directors Meeting Minutes	402; 403	Relevant to show Certified Program, including certification process. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0095	145	5/15/2006	UE0153023	UE0153025	UEP Animal Welfare Committee Meeting Minutes	105; 402; 403; 805	Relevant to show Certified Program, including certification process. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0096	146	5/10/2006	UE0368500	UE0368510	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "Supply/Demand Alert," "Egg Prices," "Flock Performance Data" are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0097	148	4/26/2006	MFI0016950	MFI0016952	Email from Terry Baker to Diane Sparish et al. re: Update on UEP Board conference call, attaching UEP Board of Directors Conference Call minutes, April 25, 2006	105; 403; 802; 805	Relevant to show Michael Foods joining UEP certification program. Admissible under 801(d)(2)(E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0098	149	4/25/2006	UE0292920	UE0292921	Minutes of UEP Board of Directors Conference Call, April 25, 2006	105; 802; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0099	150	4/22/2006	RAUPDATE0035475	RAUPDATE0035476	Email string between Gene Gregory and Marcus Rust	105; 402; 403; 802	Relevant to show Certified Program, including certification process. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0100	151	4/19/2006	RA0035663	RA0035664	Bryan Hendrix email Marcus Rust & Joe Miller re: Apology	105; 802; 901	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0101	152	4/15/2006	MFI0002148	MFI0002153	Email from Terry Baker to Vince O'Brien, et al. re: FW: AW Alternative Summary,	802	Non-hearsay use to show MFI participation and membership in conspiracy. Admissible under 803(6). Admissible under 801(d)(2)(E).	
0102	153	4/13/2006	UE0133640	UE0133643	UEP United Voices Newsletter	802*	Article "Supply/Demand Alert," "Egg Products," and "Flock Performance Data" are admissible under 801(d)(2)(A) and (E); other portions will be redacted. Admissible against all defendants.	
0103	154	4/13/2006	MFI0033973	MFI0033976	Email string between Terry Baker to JD Clarkson, et al. re: FW: Michael Foods	402; 802; 805	Evidence of Michael Foods as co-conspirator. Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0104	155	4/13/2006	MFI0002155	MFI0002158	Email from Gene Gregory to Terry Baker re: Michael Foods Interest Expressed in "UEP Certified"	105; 402; 403; 802; 805	Evidence of Michael Foods as co-conspirator. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0105	157	3/31/2006	RA0034747	RA0034749	Gregory email to Rust, et al. attaching 03/31/06 UEP Marketing Committee Meeting Minutes	402; 403; 901	Produced by Rose Acre; relevant based on discussion of cage space, molting, and hen disposal. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice.	
0106	158	3/17/2006	UE0461432	UE0461432	Gene Gregory email to Peter DeCoster re: Quality Eggs of New England			
0107	159	3/16/2006	UE0461743	UE0461743	Linda Reickard email exchange with Gene Gregory			
0108	160	3/16/2006	CM00455508	CM00455513	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Manage Egg Supply Post Easter," "Animal Welfare Audits," are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0109	161	3/15/2006	UE0629492	UE0629492	Linda Reickard email exchange with Paul VandeBunte re: Feb. Report	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0110	162	3/15/2006	RWS 000011241	RWS 000011242	Gene Gregory email to P. Sauder re: Conference Call	105, 802, 901, 602	Authentic email string; Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0111	163	3/14/2006	MFI0034198	MFI0034199	Email string between Terry Baker and Gregg Ostrander, et al.	403; 602	Relevant to show conspiracy and notice of antitrust complaints. Relevant, non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0112	164	2/15/2006	CM00455491	CM00455497	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Who Will Survive?"; "Egg Economic Situation"; "Summary of Flock Size and Egg Price Projections" and statistics are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0113	165	2/8/2006	RA0067750	RA0067752	Backfilling Procedures for UEP Audits and attaching Weekly Production Summaries & Hy-Line Variety W-36 Post Molt Performance Tables	105; 802 (as to UEP, USEM, CMF)	Admissible under 801(d)(2)(A) and (E); 803(6) Admissible against all defendants.	
0114	167	1/24/2006	UE0211206	UE0211209	UEP Board of Directors Meeting Minutes	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes

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0115	168	1/23/2006	UE0211204	UE0211205	UEP Animal Welfare Committee Minutes	402; 403; 408; 805	Relevant to show complaints of the animal welfare guidelines and the Certified Program, including that they are not scientifically sound and not a free market program. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Portion discussing lawsuit is not a prohibited use under 408. Admissible against all defendants.	Yes
0116	171	1/13/2006	MFI0002839	MFI0002845	Email from Gene Gregory to Gary West, et al.	105; 408; 802; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0117	172	1/12/2006	CM00455459	CM00455474	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "New Year's Resolution" is admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0118	173	12/31/2005	UE0329047	UE0329065	2005 UEP Animal Husbandry Guidelines for Animal Care Certified, U.S. Egg Laying Flocks.	None		
0119	174	12/30/2005	RAUPDATE0034254	RAUPDATE0034254	Gene Gregory email to Marcus Rust	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0120	176	12/8/2005	MFI0040262	MFI0040263	Email string between Gregg Ostrander, Terry Baker and JD Clarkson	403; 802	Relevant, non-hearsay use. Relevant to show participation and membership in conspiracy. Admissible under 801(d)(2)(E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0121	177	12/6/2005	NL00217575	NL00217575	Producer Meeting, Minneapolis Meeting Minutes	802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0122	180	11/13/2005	MFI0611467	MFI0611470	Email string between Terry Baker and Gregg Ostrander	802; 805	Non-hearsay use (effect on listener).	
0123	182	10/4/2005	MFI0005548	MFI0005576	UEP - Animal Welfare Public Relations Committee October 4, 2005 Meeting Minutes, Seattle, Washington	105; 402; 403; 408; 802; 805; 901	Relevant to show furtherance of conspiracy through measures of Certified Program, including molting, backfill ban, 100% and more. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0124	186	9/6/2005	NL002442	NL002444	Sparboe letter to UEP Deffner	105, 802	Non-hearsay use (notice and effect on listener). G. Gregory authored letter attached to Sparboe letter admissible under 801(d)(2)(A) and (E) against all defendants. Will redact first page.	
0125	188	8/29/2005	RAUPDATE0080605	RAUPDATE0080606	UEP Board of Directors Conference Call Meeting Minutes.	105; 408; 802; MIL	Admissible under 801(d)(2)(A) and (E) and 803(6). Not prohibited by 408. Admissible against all defendants.	Yes

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0126	189	7/1/2005	RA0075155	RA0075158	Rose Acre Monthly Compliance Report	None		Yes
0127	191	6/14/2005	UE0220384	UE0220384	Bob Sparboe letter to Al Pope withdrawing Sparboe from the UEP Animal Care Certified Program.	802	Non-hearsay use (notice and effect on listener).	
0128	192	6/1/2005	RA0006999	RA0007000	UEP shell marketing committee Conference Call meeting minutes	402; 403; 105; 805	Relevant to show action taken to address oversupply of eggs. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0129	194	5/12/2005	UE0372944	UE0372952	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Have You Reduced Your Flock Size Yet?" is admissible under 801(d)(2)(A) and (E). Other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0130	195	4/20/2005	UE0221301	UE0221308	Letter from Gene Gregory to UEP's Producer Committee for Animal Welfare, attaching 4/19/2005 meeting minutes	105; 402; 403; 805	Relevant to show notice that Certified Program was a restraint on trade, compliance with guidelines of animal welfare program, among others. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0131	197	4/1/2005	RA0075107	RA0075110	Rose Acre Monthly UEP Certified Program Compliance Report	None		Yes
0132	198	3/20/2005	MFI0017306	MFI0017309	Email string between Terry Baker and Gregg Ostrander, et al	802	Admissible under 801(d)(2)(E) and 803(6). Admissible against all defendants.	
0133	200	2/17/2005	UE0073615	UE0073618	UEP United Voices newsletter	802*	Article "Animal Care Certified Companies" and "Audit of Animal Care Certified Companies" are relevant to show enforcement and compliance with animal welfare guidelines; "Supply – Demand" is relevant to show flock reduction during periods of low demand; "Egg Breaking Report" relevant to egg products; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Irrelevant portions will be redacted. Admissible against all defendants.	
0134	201	2/8/2005	MFI0614973	MFI0614975	Email string between Gregg Ostrander and Terry Baker, et al.	802	Not for hearsay use. For identification purposes as introduced in Ostrander designation	
0135	202	2/3/2005	UE0246027	UE0246032	UEP United Voices newsletter	802*	Article "Marketing Committee Recommendations," "Nation's Layer Flock and Other Statistics" are admissible under 801(d)(2)(A) and (E). other portions will be redacted, including "Washington Report." Admissible against all defendants.	

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0136	204	1/25/2005	DAY0028028	DAY0028035	UEP Board of Directors January 25, 2005 Meeting Minutes.	105; 402; 403; 802; 805; 901; Noerr Pennington	We can redact 28033-35. The remainder is relevant to show guidelines of animal welfare program. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0137	205	1/24/2005	UE0293830	UE0293831	UEP-Shell Marketing Committee Meeting Minutes. UEP's	105; 402; 403; 805	Relevant to show conspiracy to increase egg price by reducing flock size and UEP member commitments to do so. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0138	207	11/23/2004	MPS-00066166	MPS-00066169	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Egg Industry 'Economic Summit'" is admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0139	208	11/19/2004	MFI0615604	MFI0615609	Letter from UEP to Terry Baker re "Egg industry Economic Summit."	105; 402; 403; 802; 805	Relevant to show conspiracy to increase price by limiting supply, including through intention forms. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0140	210	11/16/2004	UE0146041	UE0146055	Egg Economic Summit November 16, 2004 Atlanta, GA	105; 402; 403; 802; 805	Relevant to show conspiracy to increase profit through a 5% flock reduction. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0141	213	11/8/2004	UE0465145	UE0465147	Reickard email to Chad Gregory re 2004 Economic Summit	105; 401; 402; 802	Relevant to participation in conspiracy. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0142	215	10/22/2004	UE0212297	UE0212300	UEP Annual Board Meeting Minutes.	105; 402; 403; 805	Relevant to show conspiracy to increase egg prices through a flock reduction. Admissible under 801(d)(2)(A) and (E), 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0143	217	10/20/2004	DAY0028896	DAY0028925	Shell Egg Marketing Committee 10/20/04 Meeting Minutes; UEP Shell Egg Marketing Committee Member List	105; 402; 403; 802; 805; 901; Noerr Pennington	Relevant to show conspiracy to increase egg prices through a flock reduction; relevant to show flock size and price. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0144	219	9/2/2004	UE0936410	UE0936417	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "August Hen Numbers and Egg Price," "August 1st Layer Inventory," "Animal Welfare Audits," "Non-Feed Withdrawal Molt" and statistics are re flock size and price are admissible under 801(d)(2)(A) and (E). Other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0145	220	7/28/2004	UE0131771	UE0131774	United Voices Newsletter	802*	Article "Letter of Egg Market Comments" is admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0146	221	7/7/2004	RA0006491	RA0006491	Hinton email to Cracker Barrel	105; 802	Admissible under 801(d)(2)(A). Admissible against Rose Acre.	

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0147	222	7/6/2004	RA0075575	RA0075578	September 2004 UEP Animal Husbandry Guidelines Monthly Compliance Report	None		Yes
0148	223	6/30/2004	UE0888743	UE0888745	Al Pope email to Roger Deffner attaching 06/29/04 Pope memo to Deffner	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0149	224	6/17/2004	UE0072498	UE0072501	United Voices Newsletter	802*	Articles "Intentions to Meet Marketing Committee Recommendations," "Egg Breaking Report," "Feeder Space Requirements" are admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0150	226	5/20/2004	MPS-00066253	MPS-00066263	United Voices Newsletter	105, 602, 701, 802, 805, Noerr-Pennington	Article "Are You Committed" is relevant to show enforcement and compliance with animal welfare program; "US Flock Projections" and statistics are relevant to flock size and price; admissible under 801(d)(2)(A) and (E); irrelevant portions will be redacted. Admissible against all defendants.	
0151	227	5/14/2004	MFI0001124	MFI0001125	UEP issues a May 14, 2004 Urgent Notice of the Marketing Committee's May 10, 2004 recommended action	105; 402; 403; 802	Relevant to show conspiracy to increase price by limiting supply, including through intention forms to follow molt and flock disposal recommendations. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0152	228	5/10/2004	UE0153279	UE0153280	Producer Committee For Animal Welfare Meeting minutes	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0153	229	5/10/2004	UE0153277	UE0153278	UEP Marketing Committee Meeting Minutes.	105; 402; 403; 805	Relevant to show consideration of supply when analyzing how to increase egg prices. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0154	233	3/24/2004	UE0880125	UE0880127	Don Bell email to Al Pope	701; 802	Relevant to show conspiracy, including through plan to control flock size to achieve higher egg prices. Admissible under 801(d)(2)(A), (C), and (E). Admissible against all defendants.	
0155	235	3/4/2004	MOARK0006793	MOARK0006804	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Supply Demand" and statistics re flock size and price are admissible under 801(d)(2)(A) and (E); other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0156	237	3/1/2004	CM00704568	CM00704581	Don Bell's Table Egg Layer Flock Projections and Economic Commentary - 2004 No. 40 ; UEP's United Voices Newsletter	802*	Articles "Comparisons to Past Easter Markets," "Can we Maintain Prices above \$1.00 per Dozen," and "What a Difference Year Makes!" admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0157	238	2/26/2004	RA0077069	RA0077071	KY Hendrix Self and Company Evaluation to Lois Rust.	105; 802	Admissible under 801(d)(2)(A). Admissible against Rose Acre.	

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0158	239	2/16/2004	MOARK0027417	MOARK0027425	Linda Reickard UEP memo to Craig Willardson (Norco Ranch); 12/22/2004 Gene Gregory UEP letter to Craig Willardson (Norco Ranch)	105; 802	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0159	240	2/10/2004	UE0810722	UE0810723	Gene Gregory email to Robert Pierre	105; 402; 403; 802	Should be redacted to remove the words "Cal-Maine"; Relevant to show the cause of increased egg prices, including decreases supply due to animal welfare program and exports, and UEP's willingness to "use" the Atkins diet as a reason for improved prices. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0160	242	12/31/2003	CM00430620	CM00430633	Animal Welfare Report for 2003 Area Meetings	105, 701, 802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0161	243	12/17/2003	CM00725034	CM00725044	Minutes of Special Meeting of The Directors of Cal-Maine Foods, Inc	105, 802, 805	Admissible under 801(d)(2)(A) and 803(6). Admissible against all defendants.	Yes, but not as to statements by individuals within minutes.
0162	245	11/5/2003	NL01199471	NL01199473	Letter from J. Mueller, Esq. to I. Isaacson, Esq	105, 602, 701, 802, 805	Relevant, non-hearsay use (notice and effect on listener). Admissible against all defendants.	
0163	248	10/24/2003	RA0068071	RA0068100	UEP Annual Board Meeting Minutes	105; 402; 403; 802; 805; Noerr Pennington	Relevant to show participation and membership in conspiracy. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0164	249	10/22/2003	UE0153327	UE0153329	UEP Animal Welfare Committee Meeting Minutes	105; 402; 403; 805	Relevant to show through animal welfare guidelines, Certified Program certification process, etc. Probative value not substantially outweighed by unfair prejudice. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0165	250	10/1/2003	UE0139893	UE0139897	An Economic Perspective by: Gene Gregory.	105; 402; 403; 802; 805	Relevant to show the cause of increased egg prices, including decreases supply due to animal welfare program and exports, and UEP's willingness to "use" the Atkins diet as a reason for improved prices. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0166	251	9/11/2003	UE0875297	UE0875304	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Don't Screw Up A Good Thing" is relevant to show the effect of flock reduction measures to control supply; admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Irrelevant portions will be redacted. Admissible against all defendants.	
0167	252	8/27/2003	MOARK0006298	MOARK0006308	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "Exports," "Why Are Prices High?" and statistics re flock size and price are admissible under 801(d)(2)(A) and (E). Other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0168	253	7/23/2003	CM00224440	CM00224442	Gregory to Looper email re: Hens Needed to Meet the Egg Market Demand	105, 701, 802, 901	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0169	254	7/10/2003	SF000165	SF000166	Sparboe letter to Pope	403; 701(a) and (c); 802	Relevant, non-hearsay use (notice and effect on listener). Relevant to show complaints the UEP animal welfare program was an unfair restraint of trade. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0170	255	7/2/2003	UE0753395	UE0753407	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "Flock Size Continues to Decline," "Animal Welfare Audits and Other Welfare Issues" and statistics are admissible under 801(d)(2)(A) and (E). Other portions will be redacted, including "Washington Report." Admissible against all defendants.	
0171	257	6/4/2003	UE0136174	UE0136177	United Voices Newsletter	802*	Articles "Layer Inventory Shows Promising Sign," "May's Prices Best in Many Years," are admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0172	258	5/15/2003	UE0295087	UE0295090	UEP Board of Directors Legislative Meeting Minutes Washington, DC	105; 402; 403; 805	Relevant to show conspiracy, including through animal welfare guidelines measures such as the ban on backfilling. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0173	259	5/13/2003	UE0153340	UE0153341	UEP Marketing Committee, Washington, DC, Minutes	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0174	260	5/12/2003	UE0153353	UE0153355	UEP Producer Committee For Animal Welfare, Washington, DC	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0175	262	3/28/2003	CM00725386	CM00725400	Minutes of Quarterly Director's Meeting of Cal-Maine Foods, Inc.	105, 802	Admissible under 801(d)(2)(A) and 803(6). Admissible against all defendants.	Yes, but not as to statements by individuals within minutes.
0176	265	3/3/2003	UE0837052	UE0837053	Gregory email to Bynum re FMI	105; 802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0177	268	2/26/2003	MPS-00120484	MPS-00120548	UEP Producer Committee for Animal Welfare Conference Call Minutes	105, 802, 805	Redact handwriting on bottom of second page. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0178	269	2/7/2003	CM00415781	CM004157891	Memo to Cal-Maine Foods	105, 802	February 7, 2003 Letter and confirmation between Baker and Gregory Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Remainder to be redacted	Yes (pages 3-5 of PDF only)
0179	270	2/6/2003	UE0153503	UE0153503	USEM Export/Executive Committee Conference Call Minutes.	105; 402; 403; 805	Relevant to show exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0180	272	2/3/2003	MPS-00123260	MPS-00123261	Gene Gregory memo to Animal Care Certified Companies	105, 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0181	274	1/30/2003	UE0153504	UE0153504	USEM Export/Executive Committee Conference Call Minutes.	105; 402; 403; 802	Relevant to show exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0182	276	1/21/2003	DAY0034439	DAY0034442	UEP Board of Directors meeting minutes.	105; 402; 805; Noerr Pennington	Relevant to show conspiracy, including through animal welfare guidelines. Redact irrelevant portions. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0183	277	1/21/2003	UE0295432	UE0295436	UEP Board of Directors meeting minutes.	105; 402; 805	Relevant to show conspiracy, including through animal welfare guidelines. Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0184	278	1/20/2003	CM00415532	CM00415535	Sparboe Companies letter to UEP Animal Welfare Committee Members	602, 802	Admissible for a non-hearsay purpose (effect on listener and notice); Admissible against all defendants.	
0185	282	1/11/2003	UE0158940	UE0158942	Unexecuted Memo with handwritten notes re UEP Animal Husbandry Guidelines	802; 402; 403	Relevant, non-hearsay use (notice and effect on listener). Probative value not substantially outweighed by unfair prejudice.	
0186	283	1/11/2003	DAY0014292	DAY0014294	Executed Request for Reconsideration of 100% Rule	105; 802; 805	Non-hearsay use (effect on the listener); 803(6)	
0187	285	2003	UE0295498	UE0295499	United Egg Producers Board Members and Committee Chairmen 2003 Directory	802	Admissible under 803(6). Admissible against all defendants.	Yes
0188	286	1/1/2003	BELL-D-00028164	BELL-D00028232	Collection of Minutes of UEP Committees	105; 402; 403; 701; 802; 805; 901	Relevant to show animal welfare committee considered factors other than science and to show how guidelines impacted flock size. Admissible under 801(d)(2)(A) and (E); 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0189	287	11/25/2002	UE0200012	UE0200012	USEM Memo to its members	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0190	288	11/18/2002	UE0135635	UE0135638	United Voices Newsletter	802*	Articles "Certified Companies," "Benefit of Export" are admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0191	291	10/22/2002	CM00415931	CM00415933	USEM correspondence to USEM members re Export Order Accepted.	802	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0192	293	10/10/2002	UE0295096	UE0295099	UEP Annual Board Meeting Minutes.	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes

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0193	294	10/9/2002	UE0153388	UE0153390	UEP Animal Welfare Committee Meeting Minutes	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0194	295	10/9/2002	CM00274063	CM00274077	UEP Marketing Committee Meeting Minutes	802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0195	296	10/7/2002	CM00429324	CM00429334	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Redact CM00429331-334; Remainder admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0196	298	8/12/2002	RASEYMOUR0000060767	RASEYMOUR0000060767	Rose Acre Farms Square Inch Effects Summary Page.	None		
0197	300	7/29/2002	UE0069724	UE0069725	UEP United Voices Newsletter	802*	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0198	301	7/16/2002	UE0159036	UE0159037	Al Pope UEP letter to FMI's Hammond & Brown & NCCR's Dort	105; 802; 805	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0199	302	7/15/2002	MPS-00120815	MPS-00120815	UEP Board of Directors Conference Call minutes.	802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0200	303	7/15/2002	UE0135717	UE0135720	United Voices Newsletter	802*	Articles "Certified Companies Meet in Chicago," "Monthly Compliance Reports," "Egg Price Forecast," "Egg Products Report" are admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0201	305	6/5/2002	UE0847400	UE0847400	John Glessner email to Gene Gregory	105; 802	Redact top email from Glessner. Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0202	307	5/8/2002	RA0080000	RA0080002	KY Hendrix memo to RA Board	105; 802	Admissible under 801(d)(2)(A). Admissible against Rose Acre.	
0203	308	5/6/2002	UE0135786	UE0135797	United Voices Newsletter	802*	Articles "Prices Should Improve But Supply Action Plan Must Be Followed Now," "Certified Companies," and statistics relevant to flock size and price are admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0204	309	4/22/2002	MPS-00122892	MPS-00122893	UEA Further Processors Animal Welfare Briefing Breakfast - Minutes, Caesars Palace - Las Vegas, Nevada.	802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	

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0205	310	4/17/2002	UC_E00055875	UC_E00055875	Don Bell email to Gene Gregory re Econ Memo #14.	105; 402; 403; 602; 701; 802; 901	Relevant to show use of animal welfare guidelines to control flock size and egg supply. Admissible under 801(d)(2)(A) and (E). Authentic document under 901(b)(8)(C). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0206	311	4/15/2002	BELL002774	BELL002777	Don Bell's Table Egg Layer Flock Projection and Economic Commentary - 2002, No. 14.	701; 802; 901	Admissible under 801(d)(2)(A), (C), and (E). Authentic document under 901(b)(8)(C). Admissible against all defendants.	
0207	312	4/5/2002	MOARK0007699	MOARK0007699	Joe Fortin email to Paul Olsborne and Jerry Wells	105; 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0208	314	3/27/2002	RA0067638	RA0067639	L Rust Handwritten note to Ky Hendrix	105; 802	Admissible under 801(d)(2)(A). Admissible against Rose Acre.	
0209	315	3/26/2002	UE0153419	UE0153422	Producer Committee For Animal Welfare Meeting Minutes.	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0210	318	3/25/2002	CM00407889	CM00407892	UEP United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "Certified Companies," "Audit Form & Procedure," "You Should Implement Guidelines," "Plan to Balance Supply with Demand," all admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Will redact remainder, including "Washington Report."	
0211	319	3/20/2002	MFI0052008	MFI0052010	Email from Gene Gregory to Joe Forin, et al	403; 802 (2009-2010 missing from PDF) [Jenner note: Sent MFI0052009-10 to Defendants on 9/19/2022]	Admissible under 801(d)(2)(A), (C), and (E); 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0212	320	3/17/2002	UE0174535	UE0174536	Jeff Armstrong email to Gene Gregory	105; 802; 805	Relevant, non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(A), (C), and (E). Admissible against all defendants.	
0213	321	3/14/2002	RA0067468	RA0067469	Ky Hendrix memo to Lois Rust, Anthony Rust, Marcus Rust, Victor Rigitink & David Hurd	105; 802	Admissible against Rose Acre under 801(d)(2)(A).	
0214	322	3/11/2002	UE0204499	UE0204499	Memo to all UEP Members	105; 402; 403; 802	Relevant to show conspiracy to reduce supply of eggs and increase egg prices through measures including molting and disposing of spent hens. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0215	323	3/11/2002	UE0153423	UE0153423	UEP Marketing Committee meeting mintues	105; 402; 403; 805	Relevant to show conspiracy to reduce supply of eggs and increase egg prices through measures including molting and disposing of spent hens. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0216	327	Multiple dates	UE0147707	UE0148220	United Egg Producers Membership Agreements	402; 403; 802	Redact 708-18, 20-21, Relevant to show members of UEP and flock size. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes as to membership agreements only.

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0217	328	2/4/2002	UE0721347	UE0721350	Export Ballot and Benefits of Export Information Sheet	105; 402; 403; 802	Relevant to show exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0218	329	1/30/2002	UE0331258	UE0331270	Gregory letter to Ken Looper	105; 402; 403; 802	Relevant to show how animal welfare guidelines operated as a supply reduction program. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0219	330	1/25/2002	UE0153509	UE0153509	USEM Executive/Export Committee Conference Call Minutes	105; 402; 403; 805	Relevant to show exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0220	331	1/15/2002	UE0153426	UE0153430	UEP Board of Directors Meeting Minutes.	105; 402; 403; 805	Relevant to show plan to reduce cage density. Admissible under 801(d)(2)(A) and (E); 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0221	332	1/7/2002	UE0069835	UE0069836	United Voices Newsletter	802*	Article "I'm A Participant," "Positive Signs," "Area Meetings Planned" are admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Remainder will be redacted.	
0222	333	1/6/2002	UE0174530	UE0174530	Armstrong email to Gregory	105; 802; 805	Relevant, non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(A), (C), and (E). Admissible against all defendants.	
0223	334	1/1/2002	UE0067353	UE0067353	Al Pope Commentary re "What Better Time to Reduce Cage Density" "Put Money In Your Pocket"	105; 402; 403; 802	Relevant to show plan to reduce cage density to increase profits. Admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0224	336	11/14/2001	UE0174658	UE0174659	Producer Committee For Animal Welfare Minutes, Chicago, IL.	105; 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0225	337	9/13/2001	CM00182540	CM00182542	Executed Cal-Maine Commitment to Change	None		
0226	338	10/29/2001	CM00189826	CM00189828	USEM correspondence to USEM members	105, 802	Admissible under 801(d)(2)(A) and (E), 803(6). Admissible against all defendants.	Yes
0227	339	9/24/2001	UE0153457	UE0153458	Special Called UEP Marketing Conference Call minutes	105; 402; 403; 805	Relevant to show plan to decrease flock supply during periods of lower demand. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0228	340	9/10/2001	CM00415047	CM00415048	Gregory USEM memo to members re Export	105	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0229	341	9/10/2001	UE0153515	UE0153515	USEM Executive/Export Committee Conference Call Minutes	105; 402; 403; 701; 802; 805	Relevant to show exports. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0230	342	9/10/2001	CM00182536	CM00182537	Gene Gregory UEP memo to UEP members of Area #5 (Southern)	105, 802	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0231	343	9/5/2001	UE0153459	UE0153460	Special Meeting of Area # 5, Atlanta Georgia Meeting Minutes	105; 402; 403; 805	Relevant to show plan to take action to adjust supply of eggs and to affect egg prices through flock reduction measures. Admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0232	344	9/3/2001	DAY0028272	DAY0028275	United Voices Newsletter	802*	Article "Hatch Increase Continues," "Area Meetings," "Audit Forms" are admissible under 801(d)(2)(A) and (E). Other portions will be redacted. Admissible against all defendants.	
0233	345	8/10/2001	UE0840236	UE0840238	Joy Mench email exchanges with Gene Gregory	105; 802; 805	Non-hearsay use (notice and effect on listener). Admissible under 801(d)(2)(A), (C), and (E). Admissible against all defendants.	
0234	346	8/6/2001	UE0135030	UE0135035	United Voices Newsletter	802*	Article at bottom of page 1 and on page 3 are relevant statements by a party-opponent and co-conspirator statements under 801(d)(2)(A) and (E). Others will be redacted. Admissible against all defendants.	
0235	347	7/31/2001	UE0153461	UE0153461	UEP Marketing Committee Conference Call Meeting Minutes	105; 402; 403; 805	Relevant statements by a party-opponent under 801(d)(2)(A) and in furtherance of conspiracy under (E) that discuss plan, business records under 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice	Yes
0236	349	6/1/2001	UE0204505	UE0204505	UEP Supply/Demand Alert	105;402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and in furtherance of conspiracy under (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0237	350	5/16/2001	UE0153445	UE0153447	UEP Board of Directors Meeting Minutes	402; 403	Relevant statements by UEP Board of Directors re animal welfare committee and marketing committee. Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice.	
0238	352	2/21/2001	UE0153478	UE0153479	UEP Marketing Committee Meeting Minutes.	105; 402; 403; 805	Relevant statements by a party-opponent under 801(d)(2)(A) and in furternace of the conspiracy under (E) that discusses flocks sizes, supply problems, exports, Don Bell consultancy. Admissibale under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0239	353	2/21/2001	CM00406011	CM00406024	UEP Marketing Committee Meeting Agenda & Materials.	105, 701, 802, 805	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0240	355	2/1/2001	UE0790540	UE0790542	Executed Economic Consultant Agreement with Donald Bell	None		
0241	357	12/20/2000	UE0146962	UE0146964	Gene Gregory UEP memo to UEP Marketing & Price Discovery Committee Members	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A) and (E) that discusses results of conspiracy and encourages continued participation; probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0242	358	12/18/2000	UE0245193	UE0245194	UEP United Voices Newsletter	802*	Articles "Eggs Used for Breaking Continues Growth Pattern," "Nationwide Egg Market Outlook," "UEP Helps Turn Industry Around," "2001 Committee Appointments," and "The Benefits of an Export," admissible statements under 801(d)(2)(A) and (E). Admissible against all defendants. Others will be redacted.	
0243	359	10/13/2000	UE0153173	UE0153176	United Egg Producers Annual Board Meeting Minutes.	105; 402; 403; 805	Relevant statements admissible under 801(d)(2)(A) and (E) (Animal Welfare Committee Report, Marketing/Price Discovery Committee Report) that are not substantially outweighed by unfair prejudice. Business record under 803(6). Admissible against all defendants.	Yes
0244	362	9/8/2000	UE0200092	UE0200099	Executed Joint Resolutions Adopted at the USEM Special Meeting.			
0245	363	9/1/2000	UE0208684	UE0208703	Recommendations for UEP Animal Welfare Guidelines.	None		
0246	364	8/29/2000	MOARK0020647	MOARK0020652	UEP (Gene Gregory) memo to UEP Members re UEP is assuming management of USEM	105; 402; 403; 802	Relevant admissible statements under 801(d)(2)(A) and (E) regarding conspiracy to reduce domestic supply of eggs through exports. Probative value is not substantially outweighed by unfair prejudice. Non-hearsay use also. Admissible against all defendants.	
0247	365	8/25/2000	UE0153185	UE0153185	UEP Export Committee Conference Call Minutes	105; 402; 403; 805	Relevant statements regarding exports; probative value not substantially outweighed by unfair prejudice. Admissible under 801(d)(2)(A) and (E). Business record under 803(6). Admissible against all defendants.	Yes
0248	368	5/1/2000	UE0331895	UE0331919	Recommendations for UEP Animal Welfare Guidelines.	None		
0249	369	4/3/2000	UE0065825	UE0065832	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Supply Management" is admissible under 801(d)(2)(A) and (E).Admissible against all defendants. Others will be redacted, including "Washington Report."	
0250	371	3/6/2000	NL003281	NL003290	UEP United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Record Attendance at UEP Board Meeting," "Benefit of February Export Order," "USDA Poultry Statistics," "Nationwide Egg Market Outlook," statistics re layers and later export form are statement by a party-opponent under 801(d)(2)(A) and in furthernace of the conspiracy under (E).	
0251	372	2/24/2000	UE0296996	UE0296999	UEP Board of Directors Minutes of Dallas Meeting.	402; 403; 105; 805	"Marketing Committee Report" includes relevant statements by a party-opponent under 801(d)(2)(A) and in furthernace of conspiracy under (E). Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes

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0252	373	2/4/2000	UE0297000	UE0297001	UEP Board of Directors Conference Call Meeting Minutes.	105; 402; 403; 805	Minutes regarding export update by Gregory regarding export order are statements by a party-opponent under 801(d)(2)(A) and (E). Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0253	374	2/1/2000	UE0297248	UE0297248	UEP's Export Committee Meeting Conference Call Minutes.	402; 403; 805	Relevant statements by a party-opponent under 801(d)(2)(A) and (E) in furtherance of plan to export. Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0254	375	1/17/2000	CM00413088	CM00413095	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	"The Market Only Demands an Equal Supply" article is admissible under 801(d)(2)(A) and (E) as supply reduction program. Admissible against all defendants. Others will be redacted, including "Washington Report."	
0255	376	1/1/2000	MPS-00121287	MPS-00121292	USEM (Management provided by UEP) - An Export Opportunity for All Egg Producers promotional packet	105, 602, 701; 802	Admissible under 801(d)(2)(A) and (E)s. Admissible against all defendants.	
0256	377	12/22/1999	BELL004041	BELL004042	Don Bell email to Animal Welfare Committee	701; 802; 901	Relevant statements by a party-opponent under 801(d)(2)(A) and in furtherance of the conspiracy under (E).	
0257	378	11/22/1999	UE0297249	UE0297250	UEP Marketing & Price Discovery Committee Conference Call minutes.	105; 402; 403; 701; 805; Noerr-Pennington	Relevant statements by a party-opponent under 801(d)(2)(A) and (E) that discuss plan to reduce supply. Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0258	379	9/1/1999	UB00002191	UB00002192	Membership Response to Economic Survey	105; 402; 403; 802; 805	Non-hearsay use; Relevant and admissible statements under 801(d)(2)(A), (B), and (E). 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0259	380	7/15/1999	UE0220940	UE0220941	UEP Marketing & Price Discovery Committee Meeting Minutes.	402; 403; 701; 805	Admissible under 801(d)(2)(A), (E) and 803(6). Relevant statements that has a probative value that is not substantially outweighed but unfair prejudice. Admissible against all defendants.	Yes
0260	381	7/1/1999	Bell-D-00026787	Bell-D-00026788	Gene Gregory fax to Don Bell & Lee Schrader	105; 402; 403; 602; 802; 901; Noerr-Pennington	Admissible under 801(d)(2)(A) and (E) that discuss plan. Authentic under 901(b)(8)(C). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0261	382	6/7/1999	CM00405666	CM00405673	UEP United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "A Message From the Marketing Committee," "Vitamin Antitrust Litigation," "Eggs Processed" are admissible under 801(d)(2)(A) and (E). "Vitamin Antitrust Litigation" is also non-hearsay use, as providing notice. Admissible against all defendants. Others will be redacted, including "Washington Report."	
0262	383	5/26/1999	UE0220918	UE0220919	UEP Marketing Committee Meeting Conference Call Minutes	105; 402; 403; 805	Relevant statements by a party-opponent under 801(d)(2)(A) and E that discuss plan. Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0263	384	5/24/1999	CM00405674	CM00405681	United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Article "Increasing Flock Size" is admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others will be redacted, including "Washington Report."	

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0264	385	5/13/1999	UE0297726	UE0297730	UEP Board of Directors Minutes of Washington Meeting.	105; 402; 403; 802; 805; Noerr-Pennington	"Chairman's Comments" and "Marketing Committee Report" are relevant statements by a party-opponent under 801(d)(2)(A) and (E) that discuss plan. Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Remainder to be redacted	
0265	386	5/11/1999	UE0220944	UE0220945	UEP Marketing & Price Discovery Committee Meeting Minutes.	401; 802; 805	Relevant statements by a party-opponent under 801(d)(2)(A) and (E) that discuss plan to get member commitments for exports. Business record under 803(6). Admissible against all defendants.	Yes
0266	387	5/3/1999	CM00406453	CM00406460	UEP United Voices Newsletter	802*; Noerr-Pennington (only as to Washington Report attachment)	Articles "Molt at 60 Weeks" and "Export Commitment" are admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others to be redacted, including "Washington Report."	
0267	388	4/27/1999	UE0297497	UE0297497	UEP Marketing Committee minutes	105; 402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and (E). Business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0268	390	4/19/1999	UE0064509	UE0064514	UEP United Voices Newsletter	105; 402; 403; 701; 802	Article "Hen Disappearance - Key to Profits" and "Response to Supply Adjustment Plan" relevant to show plan. Admissible under 801(d)(2)(A) and (E) that discuss plan. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	
0269	391	4/5/1999	UB00009129	UB00009132	United Voices newsletter	802*	Article "Flock Size Adjustment is Needed Now" is admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others to be redacted.	
0270	392	3/1/1999	UE0204520	UE0204520	Supply/Demand Alert for All UEP Members.	105; 402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0271	393	3/9/1999	UE0297476	UE0297480	UEP Board of Directors Meeting Minutes, Chicago Ill	105; 402; 403; 805	Minutes of Chairman's Report and President's Report relevant to show consolidation of the UEP. Marketing & Shell Egg Price Discovery Committee Report relevant admissible under 801(d)(2)(A), (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all	Yes
0272	394	2/22/1999	UE0064537	UE0064539	UEP United Voices Newsletter	802*	Article "Egg Price Comparison" is admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others to be redacted.	
0273	396	1/1/1992	Bell-D-00031284	Bell-D-00031295	Managing the Nation's Laying Flock Presentation by Don Bell.	701; 802; 901	Relevant statements by a party-opponent under 801(d)(2)(A) and E. Authentic document under 901(b)(8)(C). Admissible against all defendants.	
0274	399		BELL004353	BELL004354	Jerry Faulkner letter to Don Bell thanking him for presenting a current statistical and outlook report.	105; 402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0275	400		MFI0005910	MFI0005929	Composite Exhibit re Shell Eggs Marketing Committee Meeting packet	105; 402; 403; 802; 805; 902	Minutes on page 3, and Supply Demand Alert on page 7 are relevant statements by a party-opponent under 801(d)(2)(A) and (E). Minutes are business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	

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0276	403	10/17/2008	MFI0344415	MFI0344416	Reickard memo to Bebee	602; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0277	405	4/27/2004	MPS-00120073	MPS-00120108	Minutes for Producer Committee for Animal Welfare	802, 805, 402, 403, 901	Minutes on pages 3-7 relevant statements by a party-opponent under 801(d)(2)(A) and E. Minutes are business record under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	
0278	412	6/1/2005	NL001081	NL001083	Marcus Rust email to Roger Deffner re ACC Program	105, 802	801(d)(2)(A) and (E); Admissible against all defendants.	
0279	416	2/16/2007	RA0000702	RA0000710	Patricia Huff email to Greg Hinton attaching UEP United Voices	105; 402; 403; 602; 701; 802; 805	Email with Article "USEM Takes Another Export" relevant to show exports and article "Industry's Largest Producers" relevant to show market power. Admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	
0280	418	7/11/2007	RA0002451	RA0002459	Whittington email to Marshal attaching latest UEP newsletter	105; 402; 403; 701; 802; 805;	Email with Article June Egg Prices at Record High to show success of the plan. Admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	
0281	425	8/9/2007	RA0042926	RA0042926	USEM Export Committee Conference Call Minutes	105; 402; 802	Minutes of USEM Meeting relevant to show exports. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0282	429	3/1/2005	RA0075027	RA0075052	Poultry Programs Guidelines for Conducting UEP Animal Husbandry Audits	105; 802	Relevant to show enforcement of conspiracy through audits. Admissible under 801(d)(2)(A) Admissible against all defendants.	
0283	430	6/1/2008	RA0081776	RA0081798	June 2008 RA Consolidated Financial Statement & Supporting Schedules	None		Yes
0284	431	June, 2002	RA0082759	RA0082775	June 2002 RA Consolidated Financial Statement & Supporting Schedules	None		Yes
0285	432	4/13/2007	RA0084743	RA0084744	Rose Acre Farms Governance	105; 802 (as to UEP, USEM, CMF)	Relevant statement by a party opponent under 801(d)(2)(A). Admissible under 803(6). Admissible against all defendants.	
0286	433	6/14/2010	RAFKS0009762	RAFKS0009762	Marshall email to Steve Paul re Mason Dicon	105; 402; 403; 802; 805	Relevant statement to show success of the plan by a party opponent admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0287	435	7/2/2003	RAUPDATE0000460	RAUPDATE0000473	Patricia Huff email to United Voices email list attaching UEP United Voices	105; 402; 403; 701; 802; 805; Noerr Pennington	Email attaching article "Flock Size Continues to Decline" relevant to show success of plan. Relevant statements by a party-opponent under 801(d)(2)(A) and E. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be redacted.	

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0288	437	5/11/2005	RAUPDATE0005158	RAUPDATE0005159	Hinton email to Nancy Beatty re: Fresh Egg Market	105; 701(a) and (c) 802	Relevant statements by a party-opponent under 801(d)(2)(A) and E Admissible against all defendants.	
0289	439	7/5/2006	RAUPDATE0037783	RAUPDATE0037784	Gregory email to Marcus Rust re New Certified Companies. Forwards Gregory email to all re Golden Oval Eggs & Michaels Foods have filed all paperwork to be UEP Certified.	105; 802	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0290	440	2/28/2008	RAUPDATE0044231	RAUPDATE0044231	Gene Gregory email to Ky Hendrix disussing Farm Average Space Allowances.	105; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0291	441	7/12/2006	RAUPDATE0072083	RAUPDATE0072083	Hinton email to Rust re Jewel & Dominics stores don't have UEP certified logo	105; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0292	442	8/7/2007	RAUPDATE0080438	RAUPDATE0080440	Email from Joe Miller to Gene Gregory (United Egg) attaching letter to USDA-AMS concerning PVP shield	105; 402; 802; Noerr-Pennington	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0293	443	5/8/2006	RAUPDATE0080592	RAUPDATE0080593	Email string between Gene Gregory & Marcus Rust discussing Produce Committee for Animal Welfare Agenda	105; 802	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0294	444	6/2/2008	SF083285	SF083288	Email strings between Lee Regensburger & Tony Airos & Clay Adams re Animal Welfare	105; 402; 802	Not for hearsay use, and admitted in DPP trial. Admissible against all defendants.	
0295	450	9/13/1999	UE0064429	UE0064432	United Voices re Hen Inventory Pushes Egg Prices Even Lower	802*	Articles "Hen Inventory Pushes Egg Prices Even Lower" and "Industry to Recognize Donald Bell" are admissible under 801(d)(2)(A), (E). Admissible against all defendants. Others to be redacted.	
0296	452	12/10/2004	UE0072400	UE0072401	United Voices newsletter	802*	Article "Being Part of the Solution" is admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0297	453	August to September 2007	UE0095810	UE0095811	Export Case Volume Aug-Sept 2007	402; 403; 802; 901	Relevant statements to show exports; admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Document produced by UEP. Admissible against all defendants.	
0298	457	10/9/2002	UE0153416 UE0153423	UE0153416 UE0153423	Composite UEP Marketing Committee Meeting Minutes for 05/14/02 & 03/11/02 .	105; 402; 403; 805	Minutes on page 2 relevant; admissible under 801(d)(2)(A), (E). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. First page to be removed.	Yes
0299	459	9/10/2001	UE0153515	UE0153515	USEM Executive/Export Committee Conference Call Minutes. Official version to replace ref #83 (UE0142617)	105; 402; 403; 802; 805	Relevant statements showing exports; admissible under 801(d)(2)(A) and (E); admissible under 803(6); probative value not substantially outweighed by unfair prejudice; Admissible against all defendants.	Yes

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0300	460	1/10/2008	UE0153944	UE0153948	Animal Welfare Audit Sub-Committee Meeting Minutes	802	801(d)(2)(A) and (E). Admissible under 803(6). Admissible against all defendants.	Yes
0301	461	5/14/2007	UE0153993	UE0153995	UEP Animal Welfare Committee Meeting Washington, DC Minutes	105; 402; 403; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Admissible under 803(6). Admissible against all defendants.	Yes
0302	462	11/29/2004	UE0176035	UE0176035	2004 Intention letter sent to Gary Bethel	105; 402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0303	464	5/27/2005	UE0199938	UE0199938	Mueller letter to Sparboe	402; 403; 802	Non-hearsay use and admitted in DAP trial. Probative value not substantially outweighed by unfair prejudice.	
0304	465	10/11/2006	UE0210026	UE0210047	Composite Exhibit re Shell eGgs Marketing Committee Meeting packet	105; 402; 802; 805; 1006	Minutes on page 6-9 include relevant statements admissible under 801(d)(2)(A), (E); admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants. Remainder to be removed.	
0305	466	10/20/2006	UE0217823	UE0217829	UEP letter to UEP Members, UEA Members & Friends re Klippen	105; 402; 403; 802; 805	Relevant statements admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0306	469	11/30/2005	UE0226059	UE0226060	Animal Welfare Audit Sub-Committee Meeting Minutes	105; 802	801(d)(2)(A) and (E), 803(6). Admissible against all defendants.	Yes
0307	470	5/1/2003	UE0244793	UE0244796	United Voices Newsletter	802*	Article "Industry's Economic Recovery" contains relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Remainder to be redacted.	
0308	471	12/2/2008	UE0284847	UE0284850	UEP Certified Guidelines Monthly Compliance Report	802	Relevant statement admissible under 801(d)(2)(A), (E).	
0309	472	5/12/2008	UE0291866	UE0291890	UEP Marketing Committee, Washington, DC	402; 403; 802	Meeting minutes on p. 3 are relevant statements showing success of plan by party opponent under 801(d)(2)(A) and (E). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Remainder to be removed.	
0310	473	5/16/2007	UE0153987	UE0153992	UEP Board of Directors Minutes	105; 402; 403; 802; 805	Meeting minutes are relevant statements showing plan; admissible under 801(d)(2)(A) and (E). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice	Yes
0311	475	1/24/2005	UE0309066	UE0309095	Composite Shell Egg Marketing Committee Meeting Packet	105; 402; 701; 702; 802; 805; 901; Noerr-Pennington	Pages 2-3, 16-17, 21-23, 29-30, includes relevant statements by a party-opponent under 801(d)(2)(A) and E. Minutes admissible under 803(6). Admissible against all defendants. Remainder to be redacted.	

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0312	477	Aug. 2008	UE0316921	UE0316922	Export Case Volume August, 2008	105; 802	Relevant to show exports admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0313	478	8/9/2007	UE0317733	UE0317733	USEM Export Committee Conference Call Meeting Minutes	105; 802; 805	Relevant to show exports admissible under 801(d)(2)(A) and (E). Admissible under 803(6). Admissible against all defendants.	
0314	479	6/1/2008	UE0457968	UE0457971	Export Case Volume	105; 8002	Relevant to show exports; admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0315	481	9/6/2005	UE0490174	UE0490174	Reickard email to Mo Conner re: Aug. Report	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Probative value not substantially outweighed by prejudicial effect.	
0316	482	10/14/2005	UE0515976	UE0515977	Reickard email to Joe Fortin	105; 402; 403; 802; 805	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Probative value not substantially outweighed by prejudicial effect.	
0317	483	8/13/2008	UE0529658	UE0529659	Forwarding Chad Gregory email to Tony Airos, Gene Gregory & cc'ing Pam Kohn from Walmart	105; 402; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0318	484	7/16/2008	UE0530925	UE0530925	Chad Gregory email re Walmart	105; 402; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0319	486	1/29/2007	UE0575403	UE0575405	Gene Gregory letter to Lloyd Day - USDA	105; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0320	487	5/12/2008	UE0667251	UE0667303	Gene Gregory memo to USEM Member re Export Order	105; 802	Relevant statements to show exports under 801(d)(2)(A) and (E). Admissible against all defendants. Redact non-conspirators.	
0321	488	11/8/2006	UE0707085	UE0707087	Email string between Chad Gregory and Alan Andrews	105; 402; 403; 701; 802	Relevant statements admissible under 801(d)(2)(A) and (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0322	490	10/28/2005	UE0762934	UE0762934	Hammonds email to Gregory re: Need Your Help	105; 802; 805	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0323	491	11/14/2006	UE0803640	UE0803641	Armstrong email to Gregory re address the response letter to Craig Morris	105; 402; 802; Noerr-Pennington	Relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	

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0324	498	6/22/2009	UE0958134	UE0958135	Gene Gregory letter to Rose Acre attaching UEP 2009 Certificate	None		Yes
0325	499	2/11/2002	WB002883	WB002886	United Voices Newsletter	802*	Articles "UEP Area Meetings" "USEM Is Trying to Help the Egg Market," "Chicken & Eggs Report," "Tell Me Why Were December Prices So Low" and "Major Egg Producing Companies" are admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Remainder to be redacted.	
0326	505	1/1/2003	BELL002381	BELL002406	Agenda of 2003 University of California Poultry Symposium and Egg Processing and Marketing Workshop. Contains Don Bell's Supply and Demand Challenges	701; 802; 901	801(d)(2)(A) and (E). Admissible against all defendants. Document produced by Bell and admissible under 901(b)(8)(c).	
0327	506	7/16/2002	BELL002768	BELL002773	Don Bell's Table Egg Layer Flock Projections and Economic Commentary - 2002.	701; 802; 901	801(d)(2)(A) and (E). Admissible against all defendants. Document produced by Bell and admissible under 901(b)(8)(c).	
0328	507	7/2/1999	BELL007698	BELL007709	Don Bell letter to Gene Gregory	402; 403; 701; 802; 901	Relevant statements; probative value is not outweighed by unfair prejudice; admissible under 801(d)(2)(A), (E). Admissible against all defendants. Document produced by Bell and admissible under 901(b)(8)(c).	
0329	509	7/23/2004	BELL-D-00028586	BELL-D-00028611	Don Bell's Table Egg Layer Flock Projections and Economic Commentary - 2004 No. 44	701; 802; 901	Relevant statements admissible under 801(d)(2)(A), (E). Document produced by Bell and authentic.	
0330	510	3/17/1995	BELL-D-00032755	BELL-D-00032755	Donald Bell letter to Al Pope re UEP	402; 403; 701; 802; 901	Relevant statements admissible under 801(d)(2)(A), (E). Document produced by Bell and admissible under 901(b)(8)(c). Probative value not substantially outweighed by prejudicial effect. Admissible against all defendants.	
0331	518	1/1/2002	CM00180890	CM00180905	2002 Edition of United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks	N/A		
0332	519	9/1/2001	CM00182572	CM00182580	UEP Price Discovery Meeting	701, 802, 805	Relevant statements by a party-opponent under 801(d)(2)(A) and E; 803(6). Admissible against all defendants.	
0333	520	12/18/2001	CM00182581	CM00182582	UEP "Crisis management" notice	105, 802	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	
0334	525	01/01/2010	CM00217790	CM00217825	2010 Edition: United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks	N/A		
0335	529	N/A	CM00275029	CM00275041	Market Value Difference for Certified Eggs, Article by Joe Fortin. Krouse Ex. 7	802, 805	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	

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0336	533	8/9/2007			Cal-Maine 10-k for year ended June 2, 2007	105, 802	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Admissible against all defendants.	Yes as to financial statements, no to narratives.
0337	535	01/01/2005	CM00498685	CM00498703	2005 2nd Edition: United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks	N/A		
0338	546	8/22/2003	FMI-001778	FMI-001778	Karen Brown email to Gene Gregory re: Albertson's	802, 901	Top email is admissible for effect on the listener; second in chain are admissible under 801(d)(2)(A), (E). Admissible against all defendants. Admissible under 901(b)(8)(c).	
0339	551	7/12/1999	JEN00002303	JEN00002306	Don Bell Egg Economics Update.	602, 701, 802	801(d)(2)(A), (E). Admissible against all defendants.	
0340	552	11/21/2005	KEL00022219	KEL00022229	Michael Foods Quantity Contract with Kellogg's	None		
0341	553	12/13/2007	KEL00022234	KEL00022239	Michael Foods Quantity Contract with Kellogg's	None		
0342	554	05/22/2008	KRA00026759	KRA00026759	Kraft Foods Global Inc./Rose Acre Farms Inc. Amendment to Egg Product Supply Agreement	None		
0343	557	4/15/1994	KRGEG00020640	KRGEG00020643	Eggs Economics Update	802; 901	801(d)(2)(A), (E). Admissible against all defendants. Admissible under 901(b)(8)(c).	
0344	565	01/01/2009	MFI0094714	MFI0094732	Master Supply Agreement between Michael Foods and Kellogg Company	None		
0345	566	11/13/00	MFI0276310	MFI0276328	2000 Edition of Animal Husbandry Guidelines for US Egg Laying Flocks	602; 901	Produced by Michael Foods and admissible under 901(b)(8)(c).	
0346	569	01/10/2007	MFI0365446	MFI0365449	Michael Foods Quantity Contract with Kellogg's	602	Business record under 803(6)	
0347	572	03/01/2008	MOARK0000815	MOARK0000815	Presentation re: Egg Economics Report by Gene Gregory	105; 402; 403; 602; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E); probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	

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0348	573	11/23/2004	MOARK0005939	MOARK0005944	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Egg Industry Economic Summit" and "Welcome New Members" contain relevant statements admissible under 801(d)(2)(A) and (E); admissible against all defendants. Others will be redacted, including "Washington Report."	
0349	576	4/13/2006	MOARK0006593	MOARK0006600	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Committee Chairmen Appointed," "Animal Care Certified" and "Part of the Solution" contain relevant statements admissible under 801(d)(2)(A) and (E); Others will be redacted, including "Washington Report."	
0350	577	8/3/2006	MOARK0006640	MOARK0006648	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Chicken and Eggs Report," "PCT Survey Central to Price Discovery," "USDA Poultry Data," and "Monthly Disappearance," admissible under 801(d)(2)(A) and (E); Others will be redacted, including "Washington Report."	
0351	578	01/11/2008	MOARK0007369	MOARK0007372	United Egg Producers Certified Companies & Licensed Marketers	105; 402; 802; 805; 901	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Document produced by Moark.	
0352	581	10/18/2007	MOARK0007450	MOARK0007451	United States Egg Marketers Meeting Minutes	105; 402; 403; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E), 803(6). Document produced by Moark. Probative value not substantially outweighed by unfair prejudice.	
0353	582	8/9/2006	MOARK0007505	MOARK0007508	List of UEP Certified Companies and Licensed Marketers.	105; 402; 802; 805; 901	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Document produced by Moark.	Yes
0354	583	5/19/2004	MOARK0008255	MOARK0008267	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Are You Committed" and "US Flock Projection" admissible under 801(d)(2)(A) and (E); admissible against all defendants. Others will be redacted, including "Washington Report."	
0355	585	11/17/2006	MOARK0009486	MOARK0009493	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Value of a Timely Export" contains relevant statements admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others will be redacted, including "Washington Report."	
0356	588	7/10/2008	MOARK-IPP-0028504	MOARK-IPP-0028505	Letter from Gene Gregory to USEM members	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A) and (E) Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0357	595	10/1/2003	NL001233	NL001237	An Economic Perspective by: Gene Gregory.	105, 802, 805, 901	Relevant statements admissible under 801(d)(2)(A) and (E) Admissible against all defendants. Admissible under 901(b)(8)(c).	
0358	596	10/20/2003	NL001635	NL001637	Sparboe Farms letter to Gene Gregory	602, 802, 805, 901	Non-hearsay use. Effect on listener. Redact handwriting on p. 2. Admissible under 901(b)(8)(c).	
0359	597	11/10/2004	NL00170442	NL00170442	Roger Deffner email to Gene Gregory re Economic Summit	105, 802, 805, 901	Non-hearsay. Effect on listener regarding UEP economic summit. Authentic.	

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0360	600	11/07/2006	NL001776	NL001776	Letter from Gene Gregory to USEM members	105, 802, 901	Relevant statements admissible under 801(d)(2)(A) and (E) Admissible against all defendants. Authentic.	
0361	601	9/1/2003	NUCAL-08md2002-0000473	NUCAL-08md2002-0000476	List of USEM Members	802, 402	Pages 102 contain relevant statements admissible under 801(d)(2)(A), (E). Admissible under 803(6). Admissible against all defendants. Authentic pursuant to 901(b)(8)(C)	
0362	606	4/27/2007	RA0002299	RA0002306	United Voices Newsletter	802*	Articles "USEM Takes Another Export," "Cal-Maine Foods and Country Creek Farms to Acquire Arkansas Farm," "Promising Signs from Layer Flock Data" admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others to be redacted.	
0363	607	5/31/2007	RA0040643	RA0040643	Email from Gene Gregory re: Egg Prices	105; 402; 802	Relevant statements admissible under 801(d)(2)(A), (E). Admissible against all defendants.	
0364	608	2/13/2008	RA0043711	RA0043711	John Rust email to Marcus Rust	105; 106; 802	Statements by a party-opponent under 801(d)(2)(A), (E); Admissible against Rose Acre.	
0365	611	09/23/2008	SB122213370781365931	SB122213370781365931	WSJ Federal Prosecutors Probe Food-Price Collusion	105; 402; 403; 802; 805; MIL	Non-hearsay (effect on listener). Probative value not substantially outweighed by unfair prejudice. Subject of MIL.	
0366	616	12/06/1999	UE0064381	UE0064386	United Voices Newsletter	802*	Articles "Price Has Not Diminished Producer Confidence;" "Hatch Reduction Program;" "Committee Appointments;" and "Schrader's Egg Price Memo" admissible under 801(d)(2)(A), (E). Others will be redacted, including "Washington Report."	
0367	617	2/1/2000	UE0065618	UE0065621	Gene Gregory letter to UEP Member re export	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by prejudicial effect. Admissible against all defendants.	
0368	618		UE0065721	UE0065722	United Voices Newsletter	802*	Article "Shell Egg Export" relevant to show exports and admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0369	619	6/12/2000	UE0065769	UE0065772	United Voices Newsletter	802*	Articles "Why did Committee Reject Export Opportunity" and "Export Commitment," "Owner of Professional Basketball Team to Enter Egg Business" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0370	620	3/20/2000	UE0065833	UE0065838	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article "Producer Committee Formed for Animal Welfare," "Second Export Order Taken," "Being Large Doesn't Guarantee Survival" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted, including "Washington Report."	
0371	622	8/12/2004	UE0072463	UE0072466	United Voices Newsletter	802*	Article "Egg Price Below Costs of Production," "Backfilling - A Loophole of a Hangman's Noose," admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	

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0372	623	10/1/2001	UE0134942	UE0134945	United Voices Newsletter	802*	Article "USEM -Committed to Improving Economic Conditions"admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0373	624	2/27/2003	UE0135552	UE0135556	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Challenge to 100% Commitment of Welfare Guidelines," "UPC Disparages UEP Guidelines," "UEP Thanks USEM Members," "Egg Market Better Than a Year Ago," and "Price Discovery Meeting" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted, including "Washington Report."	
0374	626	11/4/2002	UE0146187	UE0146190	United Voices Newsletter	802*	Article "USEM Takes Large Export," "Don't Build to Replace Lost Production Too Quickly," Hatch Report, "Price Discovery," "Hen Disappearance," and "Bell's Egg Price Projections" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0375	628	1/21/2003	UE0153366	UE0153368	Animal Welfare Committee Meeting Meeting minutes.	105; 805	Relevant statements admissible under 801(d)(2)(A), (E), 803(6). Admissible against all defendants.	Yes
0376	629	7/23/2004	UE0175080	UE0175084	Don Bell report: Arguments for and Against Backfilling Table Egg Layer Flocks. A	701; 802; 805	801(d)(2)(A)(E), Admissible against all defendants.	
0377	630	11/29/2004	UE0176003	UE0176003	Gene Gregory letter to Dolph Baker re economic management.	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A), (E); probative value is not substantially outweighed by unfair prejudice; Admissible against all defendants.	
0378	631	6/1/2008	UE0199756	UE0199757	Export Case Volume.	402; 403	Relevant to exports; admissible under 803(6); probative value is not substantially outweighed by unfair prejudice	
0379	632	1/1/2007	UE0199809	UE0199810	Case Volume for Exports.	402; 403	Relevant to exports; admissible under 803(6); probative value is not substantially outweighed by unfair prejudice	
0380	633	01/01/2006	UE0201379	UE0201397	Marketing - Statistics, Economics - Price Discovery Reports for 2006 Area Meetings	105; 402; 403; 802; 805	Relevant statements admissible under 801(d)(2)(A), (E); 803(6); probative value not substantially outweighed by unfair prejudicie. Admissible against all defendants.	
0381	634	4/4/2002	UE0210657	UE0210658	UEP Board of Directors Conference Call Minutes.	105; 805	801(d)(2)(A) and (E), 803(6). Admissible against all defendants.	Yes
0382	635	06/26/05	UE0211356	UE0211372	2004 Edition of Animal Husbandry Guidelines for US Egg Laying Flocks	None		

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0383	636	1/1/2008	UE0211644	UE0211676	2008 Edition Animal Husbandry Guidelines for Animal Care Certified U.S. Egg Laying Flocks.	None		
0384	638	5/15/2000	UE0215485	UE0215486	UEP Animal Welfare Committee Meeting Minutes	802; 805	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	
0385	639	12/31/2000	UE0215519	UE0215529	"An Egg Economics Update," University of California Cooperative Extension	105; 402; 403; 802	Relevant statements admissible under 801(d)(2)(A), (E). Probative value is not substantially outweighed by prejudicial effect. Admissible against all defendants.	
0386	641	10/15/1999	UE0297719	UE0297723	UEP Annual Board Meeting Minutes and Executive Conference	105; 402; 403; 805	801(d)(2)(A), (E), 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0387	642	11/22/2006	UE0302008	UE0302009	Gene Gregory letter to USEM Members	105; 402; 403; 802	801(d)(2)(A), (E). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0388	643	12/16/2004	UE0309107	UE0309113	UEP Board of Directors Conference Call Minutes.	105; 802; 805	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	
0389	644	4/1/2003	UE0427776	UE0427779	US Economic/Animal Welfare Outlook.	105; 402; 403; 802	Relevant statements by a party-opponent under 801(d)(2)(A) and E. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0390	646	3/1/2008	UE0533500	UE0533514	PEPA Annual Convention March, 2008 "Egg Economics Report" by Gene Gregory.	105; 402; 403; 802	801(d)(2)(A), (E), 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0391	649	6/25/2003	UE0809972	UE0809988	2003 Edition of Animal Husbandry Guidelines for US Egg Laying Flocks	None		
0392	650	06/04/2003	UE0874815	UE0874820	United Voices Newsletter	802*	Article "Layer Inventory Shows Promising Sign" and "May's Prices Best in Many Years" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted.	
0393	652		UE0878517	UE0878520	Member-Certified Companies List.	402; 403; 802	801(d)(2)(A), (E), 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0394	653	N/A	UE0878521	UE0878521	Non-member Certified Companies List.	None		

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0395	654	N/A	UE0878527	UE0878530	Member-Certified Companies List.	None		
0396	703	00/00/2014			Cal-Maine Foods, Inc., 2014 10-K Filing.	105, 802, 403	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes as to financial statements, no to narratives.
0397	707	00/00/2013			Michael Foods, 2013 10-K Filing.	105, 802	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes as to financial statements, no to narratives.
0398	708	00/00/2010			Cal-Maine Foods, Inc., 2010 10-K Filing.	105, 802, 403	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes as to financial statements, no to narratives.
0399	728	08/11/2005			Cal-Maine Foods, Inc., 2005 10-K Filing.	105, 802, 403	Relevant statements by a party-opponent under 801(d)(2)(A). Admissible under 803(6).	Yes as to financial statements, no to narratives.
0400	730	7/5/1999	CM00405660	CM00405665	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Industry Losing \$25 Million Per Day" and "Record Low Egg Prices" admissible under 801(d)(2)(A), (E). Admissible against all defendants. Remainder to be redacted, including "Washington Report."	
0401	732	12/03/2004	UC_E00052549	UC_E00052549	Gene Gregory email to Don Bell re Iowa Meeting	None		
0402	758	5/11/2004	UE0153273	UE0153276	United Egg Producers Board of Directors Meeting Minutes	105; 802; 805	801(d)(2)(A), (E); 803(6). Admissible against all defendants.	Yes
0403	759	12/17/2001	UE0153449	UE0153449	UEP Marketing Committee Meeting Minutes Via Conference Call.	105; 402; 403; 805	Relevant statements include approval for recommendation to engage in short-term supply restriction measures and changes to UEP Certified Program. 801(d)(2)(A), (E); 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0404	761	1/1/2006	UE0305320	UE0305342	2006 Edition United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks	None		
0405	791	2/19/2001	CM00416556	CM00416559	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article "Does Your UEP Membership Provide a Return on Investment" admissible under 801(d)(2)(A) and (E). All other articles will be redacted. Admissible against all defendants, including "Washington Report."	

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0406	792	10/6/2006	MFI0002727	MFI0002728	Michael Foods email and 100% Rule White Paper	403; 701; 803	Non hearsay use (effect on listener and notice), recipient is conspirator Michael Foods. Probative value not substantially outweighed by unfair prejudice.	
0407	793	8/12/2008	MFI0011277	MFI0011293	Michael Foods' Q2 2008 Earnings Call, 8/12/08	105; 402; 802; 805	803(6).	
0408	798	12/31/10	N/A	N/A	2010 Edition of Animal Husbandry Guidelines for US Egg Laying Flocks	None		
0409	799	5/25/2006	MFI0002282	MFI0002282	Handwritten Notes of Terry Baker	105; 106; 402	For purposes of identification in Baker designation.	
0410	812	1/25/2005	UE0210299	UE0210303	Minutes of the Meeting of the UEP Board of Directors	105; 802; 805; Noerr-Pennington	801(d)(2)(A), (E); 803(6). Admissible against all defendants.	Yes
0411	831	5/24/2011	CM00091626	CM00091656	Cal-Maine Foods, Inc. Stephens Inc Spring Investmaent Conference	105, 802	801(d)(2)(A), 803(6). Admissible against all.	
0412	832	4/2/2009	CM00092779	CM00092811	Cal-Maine Foods, Inc. 2009 Investor Presentation	105, 802	801(d)(2)(A), 803(6). Admissible against all.	
0413	833	4/23/2010	CM00092899	CM00092932	Cal-Maine Foods, Inc. 2010 Investor Presentation	105, 802	801(d)(2)(A), 803(6). Admissible against all.	
0414	836	4/1/2008	CM00090459 CM00717659	CM00090467 CM00717677	Charles Randle email attaching 10-Q for period ended March 1, 2008 Hardin 46	105, 802	801(d)(2)(A), 803(6). Produced by Cal-Maine.	Yes as to financial statements, no to narratives.
0415	837	12/19/2002	CM00090460	CM00090467	Cal-Maine organizational chart	None		Yes
0416	840	0000-00-00	CM00181454	CM00181455	Price Discovery Intention	None		
0417	844	10/5/2005	CM00183449	CM00183465	Marketing Committee meeting materials	802, 805, 901	801(d)(2)(A), (E); 803(6). Document produced by Cal-Maine.	

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0418	848	7/27/2005	CM00208259	CM00208592	Cal-Maine General Manager's Meeting materials	None		Yes as to data, no to narratives.
0419	851	0/0/2008	CM00218881	CM00218888	Cal-Maine consolidated statement of operations	None		Yes
0420	852	3/3/2004	CM00225601	CM00225602	Animal Welfare Committee minutes	701, 805	801(d)(2)(A), (E); 803(6).	Yes
0421	853	5/12/2003	CM00225709	CM00225712	Animal Welfare Committee minutes	701, 805	801(d)(2)(A), (E); 803(6).	Yes as to minutes; no as to cover letter
0422	854	2002-02-00	CM00227113	CM00227121	Cal-Maine hatch report and USEM Conference Call Materials	105, 802, 805, 403	801(d)(2)(A), (E); 803(6). Admissible against all defendants.	
0423	855	1/6/2002	CM00239981	CM00239993	Ken Looper fax to Gene Gregory	105, 701, 802, 805, 901, 602	803(d)(2)(A), (E). Admissible against all defendants. Produced by Cal-Maine. Admissible under 901(b)(8)(c).	
0424	856	2/5/2003	CM00265080	CM00265094	Cal-A-Gram (internal memo) from Dolph Baker re animal welfare cost	105, 805	803(d)(2)(A), (E); 803(6)	
0425	857	0000-00-00	CM00266664	CM00266781	Record of Flock Reduction Program (2005-2009)	105	Admissible against all as co-conspirator statement (801(d)(2)(E)) - discussing flock reduction program. Admissible under 803(6)	Yes
0426	859	0000-00-00	CM00266889	CM0266964	Record of Flock Reduction Program (2001-2003)	105	Admissible against all as co-conspirator statement (801(d)(2)(E)) - discussing flock reduction program. Admissible under 803(6)	Yes
0427	861	10/17/2001	CM00275722	CM00275724	Animal Welfare Committee minutes	N/A		
0428	862	7/8/2006	CM00279023	CM00279024	Moark email forwarding company wide production report	402, 403, 105, 802	Moark sharing production report with Cal-Maine, relevant to show coordination on flock size changes during program; admissible against all as co-conspirator statement (801(d)(1)(E)). Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice.	
0429	863	10/7/2005	CM00403279	CM00403280	USEM annual membership meeting	805, 105	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes

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0430	864	2/26/2003	CM00415763	CM00415765	Animal Welfare Committee minutes	805, 105	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants	
0431	865	10/28/2002	CM00415923	CM00415924	Cal-A-Gram (internal memo) from Matt Arrowsmith re USEM Export	105	Admissible against all as co-conspirator statement (801(d)(2)(E); 803(6); discusses participation in USEM export.	No as to cover letter, yes as to shipping schedule.
0432	866	10/16/2002	CM00415950	CM00415957	UEP Board meeting materials	105, 802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0433	867	4/17/2001	CM00416543	CM00416545	Cal-A-Gram (internal memo) from Dolph Baker re general managers' meeting	105	Admissible against all as co-conspirator statement (801(d)(2)(E)); 803(6); includes proposal for short-term measures.	
0434	869	5/13/1998	CM00428500	CM00428500	Cal-A-Gram (internal memo) from Steve Storm, Bob Scot & Jack Self re early slaughter/early molt	105	Admissible against all as co-conspirator statement (801(d)(1)(E)) and business record under 803(6).	Yes
0435	870	5/16/2005	CM00429173	CM00429193	Marketing Committee minutes	701, 802, 805	Admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0436	872	12/18/2006	CM00455580	CM00455597	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Announcement of New UEP President," "Can we Manage a Prolonged Profitable Period" admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Remainder will be redacting, including "Washington Report."	
0437	876	1/16/2007	CM00487959	CM00487960	Ken Paramore email to Dolph Baker	105	Admissible against all as co-conspirator statement (801(d)(2)(E))--discussing success of plan.	
0438	880	5/25/2007	CM00541328	CM00541328	Bob Scott email to Dolph Baker re projected layers industry information	105	Internal email discussing plans to "molt and sell" to improve market conditions. Admissible against all as a co-conspirator statement (801(d)(2)(E)).	
0439	892	5/0/2000	DAY0000029	DAY0000055	Recommendations for UEP Animal Welfare Guidelines	105; 402; 701; 802; 805	Relevant to show what Scientific Committee recommended for UEP Certified Program (compared to what was implemented); admissible against everyone as co-conspirator statement (801(d)(2)(E)) as committee was acting in their capacity as agents of UEP and this goes to the design and implementation of the key piece of the conspiracy; no lay witness concern as this is not being introduced to offer opinions to jury but to show what Scientific Committee actually recommended to UEP as a question of fact.	
0440	896	4/0/2014	N/A		Cal-Maine acquisitions and constructions, 1989 to present (prepared by Steve Storm for internal presentation)	None		

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0441	899	0000-00-00	N/A		UEP and USEM Committee list (Dolph Baker, Ken Looper, Ryn McDonald, Bob Scott, Steve Storm)	1006		
0442	900	4/2/2014	N/A		Cal-Maine Egg Industry Terms page	None		
0443	901	4/2/2014	N/A		Cal-Maine Investor Relations page	None		Yes
0444	904	5/28/2011	N/A		Form 10-K	105; 802	Admissible under 801(d)(2)(A) and 803(6); admissible against all defendants.	Yes as to financial statements, no to narratives.
0445	905	5/31/2008	N/A		Form 10-K	105; 802	Admissible under 801(d)(2)(A) and 803(6); admissible against all defendants.	Yes as to financial statements, no to narratives.
0446	906	2/14/2007	N/A		David Welch (Winn-Dixie) email forwarding Ken Paramore email re export	105; 802	Email from Paramore is admissible under 801(d)(2)(A) and 801(d)(2)(E); admissible against all defendants. Top email will be redacted.	
0447	908	5/29/2004	N/A		Form 10-K	105, 403 (redact legal section)	Admissible under 801(d)(2)(A) and 803(6); admissible against all defendants. Will redact legal section.	Yes as to financial statements, no to narratives.
0448	909	6/1/2002	N/A		Form 10-K	105, 403 (redact legal section)	Admissible under 801(d)(2)(A) and 803(6); admissible against all defendants. Will redact legal section.	Yes as to financial statements, no to narratives.
0449	910	0000-00-00	NL000439	NL000441	Gene Gregory form letter to UEP members	802, 901, 105	Admissible against all as co-conspirator statement (801(d)(2)(E)), letter from UEP strongly pressuring producers into joining supply reduction programs.	
0450	911	10/20/2004	NL000792	NL000794	Animal Welfare and Public Relations Committee minutes	805	Business record admissible against everyone as a co-conspirator statement (801(d)(2)(E)); 803(6)--discusses plans to seek advice from Scientific Committee on proposals to limit backfilling as part of ACC program, showing proposal did not originate with Scientific Committee	Yes
0451	912	12/5/2003	NL000916	NL000918	Gene Gregory letter to Animal Care Certified companies	802, 403	Admissible against everyone as a co-conspirator statement (801(d)(1)(E))--UEP communication to ACC participants explaining animal welfare community's efforts to stop use of "ACC" name because program does not sufficiently improve animal welfare, also discusses importance of restricting backfilling and sends a "warning shot" to producers violating backfilling restrictions. Probative value not substantially outweighed by unfair prejudice.	

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0452	915	7/23/2003	NL003518	NL003526	Gene Gregory letter to Animal Care Certified companies	402, 403	Probative value not substantially outweighed by unfair prejudice; UEP sharing with producers talking points regarding animal welfare group's challenge to ACC program as deceptive advertising because it did not sufficiently protect animal welfare.	
0453	916	10/17/2001	NUCAL-08md2002-0001628	NUCAL-08md2002-0001649	Animal Welfare Committee meeting materials	N/A		
0454	917	10/24/2003	SVL_EGGS_100158	SVL_EGGS_100158	Jeff Hardin email to Albertsons re Cal-Maine proposal for Fort Worth division	105	Admissible under 801(d)(2)(A), (E), and 803(6); admissible against all defendants.	Yes
0455	919	12/4/2000	UE0065655	UE0065656	United Voices Newsletter	802*	Articles titled "USEM to Fill Export Order" and "Industry Responds to Supply Demand Goal" admissible under 801(d)(2)(A) and (E). Admissible against all defendants. All other articles will be redacted.	
0456	921	12/1/2005	UE0153065	UE0153066	Animal Welfare Committee minutes	105; 402; 403; 802; 805	Relevant to show updates on implementation of UEP Certified Program. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0457	922	10/11/2000	UE0153177	UE0153178	Animal Welfare Committee minutes	105; 402; 403; 802; 805	Relevant to show updates on development of UEP Certified Program. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0458	923	5/16/2000	UE0153205	UE0153205	Marketing Committee minutes	105; 402; 403; 802	Relevant to show that "no voluntary program" will fix supply issues and industry would need to willingly adjust flock size; discussions about coordinated supply restrictions. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0459	924	6/10/2004	UE0153266	UE0153269	Joint Scientific Advisory and Animal Welfare Committee minutes	None		
0460	925	10/10/2002	UE0153384	UE0153387	Animal Welfare Committee minutes	105; 802; 805	Relevant to show support for 100% rule and audit program as part of UEP Certified Program. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	Yes
0461	926	5/14/2001	UE0153468	UE0153469	Animal Welfare Committee minutes	105; 402; 403; 802; 805	Relevant to show producer control over Scientific Committee. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0462	927	2/23/2000	UE0307758	UE0307777	Marketing Committee minutes	105; 802; 805	Relevant to show exports, outlining plans for short-term supply restriction measures; relevant to show design and implementation of conspiracy. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	

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0463	929	1/21/2003	UE0329124	UE0329126	Animal Welfare Committee minutes	105; 802; 805	Relevant to show adjustments to features of UEP Certified Program including discussion that several producers were opposed to 100% rule. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0464	930	3/6/2002	UE0331213	UE0331215	Gene Gregory letter to Producer Committee	105; 402; 403; 802; 805	Relevant to show adjustments to features of UEP Certified Program including discussion that several producers were opposed to 100% rule. Statements admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0465	931	6/24/2005	UE0662387	UE0662388	Gene Gregory letter to Lisa Edelen and Karen Anderson	105; 802; 901	Admissible against all as co-conspirator statement (801(d)(2)(E)), Gene Gregory letter to customer explaining features of UEP Certified Program, attempting to sell them on it. Document produced by UEP.	
0466	933	5/20/2003	CM00225713	CM00225718	UEP Board Legislative Meeting minutes	105, 802, 805	"Membership Report" and "Animal Welfare Committee Report" admissible under 801(d)(2)(A) and (E) and 803(6). Admissible against all defendants. Remainder to be redacted.	
0467	938	12/30/2003	MOARK0006744	MOARK0006756	United Voices newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article "What a Difference a Year Makes" admissible under 801(d)(2)(A) and (E). Admissible against all defendants. Others will be redacted, including "Washington Report."	
0468	940	5/16/2005	MOARK0020062	MOARK0020096	Animal Care Certified Public Relations and Animal Welfare Committee joint meeting materials	105; 402; 802; 805; 901	801(d)(2)(A), (E); 803(6). Probative to show design and implementation of UEP Certified Program including marketing efforts to sell program to customers and public, also discusses short-term supply restriction efforts. Authentic.	
0469	947	5/18/2007	UE0199795	UE0199795	California Egg Marketing Association letter to UEP	802	Non-hearsay purpose (effect on the listener). Admissible under 803(6).	
0470	948	12/7/2004	UE0210378	UE0210383	Animal Welfare Committee minutes	105; 402; 403; 802; 805	801(d)(2)(A), (E); 803(6). Relevance includes discussion of design and implementation of the UEP Certified Program including recommendations to ban/limit backfilling. Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes as to minutes only, not as to first page

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0471	949	2007-10-00	UE0218650	UE0218650	USEM report	105; 402; 403; 802; 805	803(6). Relevant in that it shows participants in exports. Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0472	952	10/9/2002	UE0308777	UE0308780	UEP membership report	105; 402; 403; 802	803(6). Relevant in that it shows participants in exports. Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0473	956	2001-00-00	UE0841278	UE0841285	UEP Egg Producer Members	402; 403; 802	803(6); relevant to show market power of UEP; probative value not outweighed by unfair prejudice.	
0474	958	3/1/2004	UE0880126	UE0880127	Don Bell report "What a Difference a Year Makes!"	105; 402; 403; 802	801(d)(2)(A), (E). Releant reporting on success of industry efforts to "h[old] hen numbers down" noting that "[n]o increases in production were made to compensate for a larger human population"; probative value not substantially outweighed by unfair prejudice.	
0475	983	1/22/2007	KEL00000284	KEL00000285	January 2007 internal Kellogg email noting sharp rise in egg product prices. Neal Dep. Ex. 9	None		
0476	986	1/14/2008	KEL00001829	KEL00001861	January 2008 issue of Informa Economic's "Egg Sector Update,"	402; 403; 802; 805;	Business record under 803(6); admissible to show Kellogg mental impressions under 803(3) and is relevant for that same reason; not being offered for the truth of the matter asserted, but what Kellogg understood to be true. Probative value not substantially outweighed by unfair prejudice.	
0477	987	12/1/2003	KEL00004008	KEL00004008	December 2003 from Kellogg egg buyer Kelly Tobey re recent updates to list of vendors.	802; 805	Admissible through business record exception to hearsay (803(6))	
0478	989	10/1/2006	KEL00011305	KEL00011305	October 2006 internal Kellogg email regarding completing negotiations with Michael Foods for 2007 dried eggs. Neal Dep. Ex. 8	802; 805	Admissible through business record exception to hearsay (803(6))	
0479	991	5/2/2008	KEL00017408	KEL00017408	M. Honkanen email attaching GPC deck	802; 805	Admissible through business record exception to hearsay (803(6))	

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0480	992	4/5/2008	KEL00017409	KEL00017455	April 2008 internal Kellogg presentation titled "KNA [Kellogg North America] Procurement Update."	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0481	993	6/11/2008	KEL00017721	KEL00017721	Email from J. Wolf to J. Bakker, et al re Commodity Update Presentation	802; 805	Admissible through business record exception to hearsay (803(6))	
0482	994	6/11/2008	KEL00017722	KEL00017753	June 2008 internal Kellogg presentation titled "KNA [Kellogg North America] Commodity Outlook, 2008 - 2009."	402; 802; 805; 901 (highlighting) [Jenner note: replaced and sent to Defendants on 9/19/2022]	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0483	995	1/29/2003	KEL00017925	Same	January 2003 email from Wabash Valley to Kellogg memorializing some terms of a renewed supply agreement for Kellogg's Rossville, TN plant.	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0484	996	7/1/2003	KEL00017963	KEL00017963	July 2003 email regarding flat prices, how the market was impacting Michael Foods pricing, and proposing to offer Michael Foods relief while ensuring Kellogg manages its risk for 2004.	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0485	997	10/1/2003	KEL00017969	KEL00017970	September 2003 internal Kellogg email providing data on egg purchases in 2003 and 2004.	802; 805	Admissible through business record exception to hearsay (803(6))	
0486	998	00/00/2003	KEL00017971	KEL00017971	2003 Excel spreadsheet providing historical data for purchase amounts in 2003 and projections for 2004.	802/805	Admissible through business record exception to hearsay (803(6))	Yes - 805 as to prices in first tab
0487	999	8/8/2003	KEL00018139	KEL00018139	Email from J. Guilfoyle to Butler, et al re 8/7/2003 presentation to Management	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant to show transmittal of attached presentation	
0488	1000	8/7/2003	KEL00018140	KEL00018196	August 2003 internal Kellogg presentation titled "Procurement Overview."	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0489	1001	3/19/2003	KEL00018577	KEL00018578	March 2003 internal Kellogg emails re projected outlook of egg product prices for 2004.	402; 802; 805	Admissible through business record exception to hearsay (803(6)); relevant discussion of egg market	
0490	1002	00/00/2007	KEL00018877	KEL00018884	Undated (though appears to be 2007) internal Kellogg's Procurement presentation titled "Eggs," providing historical market data and updates in supply/demand.	802; 805	Admissible through business record exception to hearsay (803(6))	
0491	1003	10/6/2003	KEL00020085	KEL00020085	October 2003 internal Kellogg email acknowledging relationship between egg product market and shell egg market.	802; 805	Admissible through business record exception to hearsay (803(6))	

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0492	1004	00/00/2008	KEL00020385	KEL00020386	Undated (though appears to be 2008) presentation slides titled "Egg Strategy." Overviews market and buying strategy for 2008/2009.	802; 805	Admissible through business record exception to hearsay (803(6))	
0493	1005	00/00/2003	KEL00021449	KEL00021461	Undated (though appears to be 2003) internal Kellogg presentation regarding spike in egg market prices.	802; 805	Admissible through business record exception to hearsay (803(6))	
0494	1007	12/9/2008	KRA00002859	KRA00002872	Kraft Foods NA Ingredients Procurement Hedging Recommendations Manion Dep. Ex. 3	802; 805	Admissible through business record exception to hearsay (803(6))	
0495	1008	8/27/2003	KRA00006021	KRA00006021	Email from Kuntz to Christianson, et al re 2003 Egg Averages	802; 805	Admissible through business record exception to hearsay (803(6))	
0496	1009	2/25/2004	KRA00006025	KRA00006025	February 2004 Kraft egg pricing forecast	802; 805	Admissible through business record exception to hearsay (803(6))	
0497	1010	7/1/2004	KRA00007464	KRA00007464	July 2004 Kraft internal egg forecast	802; 805	Admissible through business record exception to hearsay (803(6))	
0498	1011	7/1/2008	KRA00010551	KRA00010559	2008 internal Kraft presentation	802; 805	Admissible through business record exception to hearsay (803(6))	
0499	1012	1/9/2009	KRA00045990	KRA00045993	January 2009 internal Kraft email chain in response to email received from Humane Society	802; 805; 901	Email admissible through business record exception to hearsay (803(6)); handwritten notes can be verified by Kraft rep.	
0500	1013	1/19/2010	KRA00046002	KRA00046008	January 2010 internal Kraft email thread and draft document, both regarding Kraft's "animal welfare messaging"	802; 805; 901	Email admissible through business record exception to hearsay (803(6)); handwritten notes can be verified by Kraft rep.	
0501	1014	5/00/2005	KRA00049855	KRA00049858	2005 letter from Bryan Hendrix at Rose Acre to Kraft's Curtis Amundson re RA's involvement in UEP's certification program.	105; 802	801(d)(2)(A), (E); admissible against all defendants.	
0502	1022	8/28/2008	NES00000069	NES00000069	August 2008 email from Nestlé's Bill Trask providing overview of egg market.	802; 805	Admissible through business record exception to hearsay (803(6))	
0503	1023	9/22/2008	NES00000105	NES00000107	September 2008 internal Nestlé email chain re egg prices and why they do not project to decline in 2009.	701; 802	Admissible through business record exception to hearsay (803(6)); does not contain improper lay opinion	

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0504	1024	11/20/2008	NES00000132	NES00000133	November 2008 email from Nestlé's Bill Trask re egg market outlook.	802	Admissible through business record exception to hearsay (803(6))	
0505	1025	11/20/2008	NES00000143	NES00000144	November 2008 internal Nestlé presentation slides regarding egg product buying strategy.	602; 802	Admissible through business record exception to hearsay (803(6))	
0506	1026	12/4/2008	NES00000164	NES00000168	December 2008 internal Nestlé email thread re how Nestlé's egg product suppliers differ in their egg pricing formulas.	602; 701; 802	Admissible through business record exception to hearsay (803(6)); can be authenticated by Nestle rep; does not contain improper lay opinion.	
0507	1027	9/15/2008	NES00000394	NES00000396	September 2008 internal Nestlé presentation slides regarding egg product buying strategy.	701; 802; 805; end bates should be either 394 or 396 (attachment is separate document) [Jenner note: attachment added and sent to Defendants on 09/10/2008]	Admissible through business record exception to hearsay (803(6)); no improper lay opinions--outlining strategy for Nestle procurement	
0508	1028	9/15/2008	NES00001665	NES00001666	September 2008 internal Nestlé email providing analysis and forecast of egg product market, based off Informa Economics's analysis.	402; 701; 802	Admissible through business record exception to hearsay (803(6)); no improper lay opinions--outlining strategy for Nestle procurement	
0509	1029	10/6/2008	NES00002119	NES00002120	October 2008 email chain between Nestlé's Bill Trask and Mark Jordan of Informa Economics, Inc.	701; 802	Business record under 803(6); shows Nestle's mental impressions so admissible under 803(3) and is relevant for that same reason; also not being offered for the truth of the matter asserted, but what Kellogg understood to be true, so not hearsay in the first instance.	
0510	1030	8/14/2008	NES00002149	NES00002269	September 2008 internal Nestlé presentation, titled "Dynamic Forecast Submission, Raw Materials."	106; 602; 701; 802; 805	Admissible through business record exception to hearsay (803(6)), appears to be regularly produced forecast report; can be authenticated by Nestle rep; report is largely a gathering of key factors driving input prices, not opinions; need to redact non-egg content.	
0511	1031	4/15/2008	GMI00001000	GMI00001013	April 2008 General Mills presentation by Tiffany Mercuri, titled "Rembrandt Strategy Review."	701; 602; 802; 805	Admissible as business record (803(6)); foundation can be laid by Gen Mills rep; outlining corporate strategy, not an improper lay opinion	
0512	1032	10/10/2007	GMI00001153	GMI00001169	October 2007 General Mills presentation by Tiffany Mercuri, titled "Egg Overview."	701; 602; 802; 805	Admissible as business record (803(6)); foundation can be laid by Gen Mills rep; outlining corporate strategy, not an improper lay opinion	
0513	1033	9/29/2008	GMI00001701	GMI00001702	September 2008 letter from Bruce Waddell, Michael Foods's Director of Key Accounts and Business Development at the time, to Binh Tran.	105; 802	802(d)(2)(E); 803(6).	
0514	1034	9/12/2008	GMI00001762	GMI00001764	September 2008 email thread between Michael Foods's Bruce Waddell and Jason Taylor, MF's VP of Sales.	105; 802	802(d)(2)(E), 803(6).	
0515	1035	3/1/2007	GMI00017136	GMI00017170	March 2007 General Mills presentation by Tiffany Mercuri, titled "Eggs."	701; 602; 802; 805	Admissible through business record exception to hearsay (803(6)); does not contain improper lay opinion--factual analysis of egg industry; foundation can be laid by corporate rep	

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0516	1036	2/25/2003	UE0169475	UE0169476	2003 letter from UEP to General Mills that describes UEP's new "animal welfare program" and "animal care certification logo." Tran. Dep. Ex. 28	105; 802; 805	801(d)(2)(A), (E); 803(6). Admissible against all defendants.	
0517	1037	2/25/2002	CM00405584	CM00405585	Hendrix-3; UEP United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Admissible against everybody under 801(d)(2)(A)-(E); no Noerr Pennington concern when "Washington Report" redacted.	
0518	1038	7/27/2006	CM00724971	CM00724982	Baker Ex. 53; Minutes of the Quarterly Directors' Meeting of Cal-Maine Foods, Inc.	105	Admissible against Cal-Maine under 801(d)(2)(A); admissible against all others under 801(d)(2)(E) to the extent it reports on progress of UEP Certified Program, including cage space increases, and under 803(6).	Yes as to minutes, but not as to persons' statements within minutes.
0519	1039	7/15/2004	CM00724983	CM00724995	Baker Ex. 52 ; Minutes of the Quarterly Directors' Meeting of Cal-Maine Foods, Inc.	105	Admissible against Cal-Maine under 801(d)(2)(A); admissible against all others under 801(d)(2)(E) to the extent it reports on progress of UEP Certified Program, including Adams' hope "that the animal welfar program will reduce the supply side" and as a business record under 803(6).	Yes as to minutes, but not as to persons' statements within minutes.
0520	1041	00/00/0000	illegible number	illegible number	Pope-16; What Better Time to Reduce Cage Density and Put Money in Your Pocket, Commentary by Al Pope	802, 105	801(d)(2)(A), (E). Admissible against all.	
0521	1042	6/14/2005	illegible number	illegible number	Pope-38; Sparboe letter to Pope, Sparboe Cos. Withdrawing from UEP Animal Care Certified Program	802, 105	Non-hearsay purpose (effect on listener); admissible against all.	
0522	1043	4/21/1999	UE0063296	UE0063296	Pope-6; UEP Memo from DeVries to All Concerned Egg Producers re export opportunities	105, 802, 602 (Note not in plaintiffs' exhibit set. Please provide.) [Jenner note: Sent to Defendants on 9/19/2022]	801(d)(2)(A) and (E); 803(6). Admissible against all.	
0523	1044	9/28/2012	KRA00000019	KRA00000039	Amundson Ex. 1; Overview of Animal Welfare - Why does Kraft need an Animal Welfare Policy	None		
0524	1045	8/24/2005	KRA00014673	KRA00014676	Amundson Ex. 7; Animal Welfare Task Force	None		Yes
0525	1046	5/2/2005	KRA00014700	KRA00014701	Amundson Ex. 4; Animal Welfare Task Force Charter	None		Yes
0526	1047	6/19/2006	KRA00014791	KRA00014794	Amundson Ex. 10; Kraft Animal Welfare Policy	None		
0527	1048	7/6/2007	MFI0619526	MFI0619526	Email from T. Bebee to D. Johnson re UEP Feedback	802	801(d)(2)(E); 803(6).	

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0528	1049	3/5/2014	N/A	N/A	DAP-Hinton-37; Rose Acre Farms Commodity Eggs	105; 802	802(d)(2)A), 803(6). Admissible against all.	
0529	1050	3/12/2007	N/A	N/A	Pope-1; Online article, UEP has done remarkable things, interview with Pope	802; 805	Admissible against everybody under 801(d)(2)(A)-(E)	
0530	1051	9/30/2005	N/A	N/A	Pope-34; FTC letter to Pope re Complaint seeking action against UEP for Deceptive Advertising	402; 403; 408; 802; 805	Public record exception to hearsay under 803(8); highly relevant to show challenge to ACC program for being insufficiently focused on animal welfare; not 408. Probative value not substantially outweighed by unfair prejudice.	
0531	1052	1/27/2003	RA0006385	RA0006385	DAP-Hinton-52; Email from B. Bradley to V. Riena, et al re Wal-Mart Animal Care Cost	105; 802	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	
0532	1054	6/24/2008	RA0075663	RA0075678	Hendrix-20; UEP Caged Layer Audit Checklist, Rose Acre Farm	802/805	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	Yes, but hearsay on p.8
0533	1055	11/1/2004	RA0076488	RA0076522	Hendrix-29; Inspection notes	105; 402; 403; 802	801(d)(2)(A), 803(6); admissible against all defendants; relevant to show treatment of animals while UEP Certified Program in effect. Probative value not substantially outweighed by unfair prejudice.	
0534	1056	7/2/2004	RAUPDATE0008335	RAUPDATE0008536	DAP-Hinton-45; Email from Hinton to Kraft re egg market outlook	(End Bates should be -8336) 105; 802; 805; 701(a) and (c) [Jenner note: Typo corrected]	801(d)(2)(A), (E), 803(6); admissible against all defendants; no improper lay witness opinion.	
0535	1058	7/17/2003	UE0071388	UE0071391	Gregory Ex. 42; United Voices	802*	801(d)(2)(A)-(E). Admissible against all defendants.	
0536	1059	10/20/2004	UE0153251	UE0153253	Hendrix-17; Animal Welfare & Public Relations Committee New Orleans Minutes	Replace with NL000792.	803(6). Document produced from UEP files.	Yes
0537	1061	1/21/2004	UE0199015	UE0199029	Gregory Ex. 53; Brann & Isaacson Position Statement	105; 402; 403; 802; 805	For identification purposes only. Probative value not substantially outweighed by unfair prejudice.	
0538	1062	9/27/2001	UE0204500	UE0204501	Pope-15; UEP Memo to Members Crisis, Voluntary Program to Help Yourself	105; 402; 403; 802; 805	Admissible against all under 801(d)(2)(A)-(E)--plea to producers from UEP's Al Pope to reduce flock size to improve profits. Probative value not substantially outweighed by unfair prejudice.	
0539	1063	11/18/2004	UE0210450	UE0210450	Gregory Ex. 63; Memo to G. Gregory from D. Mangskau	402; 403; 802; 805	Admissible as business record under 803(6); letter is relevant to show purpose of backfilling ban and 100% rule was economic concerns. Probative value not substantially outweighed by unfair prejudice.	

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0540	1066	10/17/2006	UE080615	UE080616	Gregory Ex. 74; Email from G. Gregory to K. Klippen	105; 402; 403; 802; 805	801(d)(2)(A), (E). Admissible against all. Relevant to show Gregory attempting to quell dissent to main feature of anti-competitive conspiracy; Klippen statements admissible because they are relevant to show effect on UEP, namely that they were told there is dissent among producers about 100% rule being counter to customer demands; probative value not substantially outweighed by unfair prejudice.	
0541	1067	8/27/2003	UE0875279	UE0875289	Gregory Ex. 44; United Voices	802*	801(d)(2)(A)-(E). Admissible against all defendants.	
0543	1069	1/4/2003	CM00266782	CM00266905	Hardin Ex. 65; Record of Flock Reduction Program	105	801(d)(2)(A), (E); 803(6); admissible against all.	Yes
0544	1070	7/17/2003	DAY0017605	DAY0017612	Hollingworth Ex. 20; United Voices	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Article soliciting sign-up for UEP Certified Program is admissible under 801(d)(2)(A), (E). Other articles should be redacted, including "Washington Report." Probative value not substantially outweighed by unfair prejudice.	
0545	1071	7/2/2002	FMI-000050	FMI-000050	Hollingworth Ex. 17; Pope Letter to FMI and NCCR	802, 901, 105, 602	Admissible against all under 801(d)(2)(A)-(E)--UEP effort to sell customers on UEP Certified Program	
0546	1072	1/00/2003	FMI-000074	FMI-00076	Hollingsworth 14; Status - FMI-NCCR Animal Welfare Guidelines	N/A		
0547	1073	7/16/2002	FMI-000293	FMI-000294	Hollingworth Ex. 16; Pope letter to FMI and NCCR	802, 105	801(d)(2)(A), (E). Admissible against all.	
0548	1074	1/19/2002	FMI-000536	FMI-000537	Hollingworth Ex. 8; email from J. Mench to K. Brown re Denver Meeting	802	Mench statements admissible under 801(d)(2)(C) and (D) as member of UEP committee; statements by Pope and Gregory admissible under 801(d)(2)(A); Brown statements admissible as FMI business records under 803(6), authenticated by Hollingsworth 30(b)(6) testimony. Admissible against all defendants.	
0549	1075	00/00/000	FMI-000595	FMI-000601	Hollingworth Ex. 10; K. Brownto A Doulgas, et al re meeting with UEP	802, 403, 106	For identification purposes only. Probative value not substantially outweighed by unfair prejudice.	
0550	1076	1/4/2002	FMI-000836	FMI-000838	Hollingworth Ex. 9; Gregory/Pope Letter to K. Brown re endorsing UEP Animal Welfare Guidelines	802, 105	Admissible under 801(d)(2)(A) through (E). Admissible against all defendants.	

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0551	1077	8/2/2004	FMI-001514	FMI-001515	Hollingworth Ex. 21	802	Statements by Klippen, as UEP agent, seeking endorsement of UEP guidelines admissible under 801(d)(2)(A) through (E). Non-hearsay use.	
0552	1078	8/2/2004	FMI-002651	FMI-002652	Hollingworth Ex. 23; K. Klippen email to Karen Brown	802	Admissible under 801(d)(2)(A) through (E).	
0553	1079	00/00/0000	GMI00001017	GMI00001029	Tran Ex. 12; Eggs: Change in Strategy & Vendor, General Mills	701; 802	Admissible under 803(6); not improper lay opinion.	
0554	1080	6/1/2002	illegible number	illegible number	Hardin Ex. 73; June 2002 Report FMI-NCCR Animal Welfare Program	None		
0555	1081	11/22/2006	illegible number	illegible number	Gregory Ex. 80; USEM Letter to USEM Members from Gene Gregory	105, 702	702 not applicable; 801(d)(2)(A) through (E); admissible against all defendants.	
0556	1082	2/2/2001	KRGEG00020448	KRGEG00020460	Hollingworth Ex. 4; Fax from K. Brown to E, Cousin et al re background for conference call	None		
0557	1083	00/00/00	KRGEG00020660	KRGEG00020670	Hollingworth Ex. 7: 2000 Animal Husbandry Guidelines for US Laying Flocks	None		
0558	1085	1/15/2007	MFI0067366	MFI0067375	Klippen Ex. 62; The Egg Newsletter	802	For purposes of identification in Klippen designations.	
0559	1086	Pages out of order - Hodges 34 - not corrected	MOARK0000461	MOARK0000544	Hodges Ex. 34; Email from L. Jackson to B. Hodges, et al., re EAI: Customer response on high egg prices 111906	402; 403; 602; 802; 805	Admissible under 801(d)(2)(E) and 803(6); Moark business record on its face shows it was prepared by individuals with personal knowledge; relevant to show conspiracy, including Moark participation, UEP certification effect on flock size, and supply and demand changes. Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	

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APPENDIX 9-1
Kraft Foods Global, Inc., et al. v. United Egg Producers, Inc., et al.
Plaintiffs' Trial Exhibit List

Plaintiff Exhibit	Plaintiff Initial Reference No	Date	Beg Bates	End Bates	Descriptions	Defendants Objections	Basis for Admissibility	Business Record Stipulation
0560	1087	1/26/2004	MOARK0001462	MOARK0001463	Hodges Ex. 24; Memo from B. Hodges to G. Stull re Discussion items in Atlanta	105; 402; 403; 602; 802	Admissible under 801(d)(2)(E) and 803(6); relevant to conspiracy, including phase in schedule for UEP certification and recouping costs. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0561	1088	12/17/2003	MOARK0001473	MOARK0001473	Hodges Ex. 23; Letter from B. Hodges to M. Jebwabnik, Safeway, re price increase	402; 403; 602; 802	Admissible under 801(d)(2)(E) and 803(6); relevant to conspiracy, including phase in schedule for UEP certification and recouping costs. Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0562	1089	8/5/2003	MOARK0001474	MOARK0001475	Hodges Ex. 25; Letter from B. Hodges to M. Jebwabnik, Safeway, re pricing	402; 403; 602; 802; 901	Admissible under 801(d)(2)(E) and 803(6); relevant to conspiracy, including discussion of cage space phase in and costs. Admissible against all defendants. Produced by conspirator Moark, identified in Hodges designation, and admissible under 901(b)(8)(c). Probative value not substantially outweighed by unfair prejudice.	
0563	1090	11/6/2002	MOARK0001540	MOARK0001541	Hodges Ex. 22; Memo from B. Hodges to J. Whaley, et al., re UEP Animal Care Certification Costs	402; 403; 602; 802; 901	Admissible under 801(d)(2)(E) and 803(6); relevant to conspiracy, including discussion of cage space phase in and costs. Admissible against all defendants. Produced by conspirator Moark, identified in Hodges designation, and admissible under 901(b)(8)(c). Probative value not substantially outweighed by unfair prejudice.	
0564	1091	12/29/2008	MOARK0011693	MOARK0011694	Hodges Ex. 15; Email from B. Hodges to J. Evans, et al., re Moark Retail Egg Price Audit	402; 802; 805	Admissible under 801(d)(2)(E) and 803(6); relevant to conspiracy and retail egg pricing. Admissible against all defendants.	
0565	1092	8/5/2003	MOARK0014112	MOARK0014113	Hodges Ex. 21; Memo from B. Hodges to Moark, LLC Executive Committee re June 2003 Shell Egg Marketing Report	105, 802	Admissible against all defendants under 801(d)(2)(E) and 803(6).	
0566	1093	6/18/2004	MOARK-IPP-0023875	MOARK-IPP-0023878	Hodges Ex. 36; Email from A. Sumner to B. Hodges re Master Moark Management Presentation	402; 403; 802; 805	Admissible under 801(d)(2)(E) and 803(6); "Regular Shell Egg Prices," "Industry Supply and Demand," "Supply Has Tapered in Recent Years," "... And Supply Is Expected to Remain Tight" discussing cage space allowance program's impact on supply; redact irrelevant portions. Probative value not substantially outweighed by unfair prejudice.	
0567	1094	00/00/0000	N/A	N/A	Carlson PX0506; photos of caged hens	106; 402; 403; 404(a); 602; 802; 805; 901	Showing RA mistreatment of hens after being certified by UEP. Relevant to show Rose Acre was not motivated by animal welfare concerns and that UEP program was not effective for animal welfare. Photos taken by Rose Acre employee. Probative value not substantially outweighed by unfair prejudice. Admitted into evidence at DAP trial. Admissible against Rose Acre and UEP. See Trial Stip 9	
0568	1095		N/A	N/A	Tran Ex. 2; undated spreadsheet listing products invoiced	None		Yes

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0569	1096	5/31/2006	NL0023834	NL0023834	Rust Ex. 46; Email from Rust to C. Gregory et al re Motions for UEP meeting	105, 802	801(d)(2)(A), (E). Admissible against all defendants.	
0570	1097	6/24/2008	NL00327492	NL00327493	Gregory Ex. 104; Email from L. Seger to G. Gregory et al re Chicken Hatch	802	801(d)(2)(A), (E). Admissible against all defendants.	
0571	1098	4/17/2007	NUCAL-08md2002-000045	NUCAL-08md2002-000045	Gregory Ex. 81; USEM Letter from Gregory to USEM Members	802, 901, 403, 602	801(d)(2)(A), (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by prejudicial effect. Authentic.	Yes
0572	1099	8/30/2005	RA0071690	RA0071774	Rust Ex. PX0694; RA Caged Layer Audit Checklist	802/805	Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes, but internal hearsay as to auditor's notes
0573	1100	5/22/2006	RAUPDATE0034926	RAUPDATE0034929	Rust P-0179; Email from G. Gregory to M. Rust re introducing motion	105; 402; 403; 802; 805	Relevant party-opponent and co-conspirator statements discussing egg products and "95-99% rule"; admissible under 801(d)(2)(A), (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants	
0574	1102	2/12/2008	RAUPDATE0044348	RAUPDATE0044348	Rust Ex. PX0445; Email from M. Rust to J. Rust	105; 802	801(d)(2)(A) and (E) and 803(6). Admissible against all defendants.	
0575	1103	6/4/2007	SF118875	SF118876	Klippen Ex. 57; Email from R. Hall to K. Klippen re FOIA request filed by UEP	105; 403; 802; 805	For purposes of identification in Klippen designations. Probative value not substantially outweighed by unfair prejudice.	
0576	1104	9/24/2008	NUCAL-08md2002-005623	NUCAL-08md2002-005624	Gregory Ex. 85, Gregory email re WSJ article	105; 402; 403; 802; 805	Relevance includes statements re exports, egg products, comment re UEP newsletters as "private information"; admissible under 801(d)(2)(A), (E); admissible as effect on the listener; admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0577	1105	4/20/2006	UE0243147	UE0243152	Reickard Ex. 49; Member Layers spreadsheet	402; 403; 802	Relevant to exports; admissible under 801(d)(2)(A), (E), and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0578	1106	8/10/2004	UE0289553	UE0289553	Reickard Ex. 3; Administrative Fee For Animal Care Certification	105; 402; 802	Relevant to certification and compliance; shows UEP certification as marketing program; admissible under 801(d)(2)(A), (E), and 803(6). Admissible against all defendants.	Yes
0579	1107	12/6/2004	UE0309108	UE0309109	Rust Ex. PX0261; UEP BOD Conference Call	805	Admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants.	Yes

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0580	1108	7/26/2005	UE0626808	UE0626808	Reickard Ex. 16; Email from G. Gregory to L. Reickard re Backfilling	105; 402; 403; 802	Relevant to show reporting re flock size and backfilling; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0581	1109	4/22/2004	UE0754321	UE0754330	Rust Ex. 3; United Voices	802*; Noerr-Pennington (only as to "Washington Report" attachment)	Articles "Should We Be Concerned," "Animal Care Certified Audits," "Non-Certified Animal Care Certified Marketers," "Feeder Space Requirement," "Egg Breaking Report" are admissible under 801(d)(2)(A), (E); remainder to be redacted.	
0582	1110	10/17/2006	UE0946434	UE0946445	Klippen Ex. 11; Email from M. McLeod to A. Pope re Klippen	402; 403; 802; 805	Relevant to show conspiracy; Pope, Gregory emails admissible under 801(d)(2)(A) and (E); Klippen newsletter below as relevant, non-hearsay purpose. For purposes of identification in Klippen designations. Probative value not substantially outweighed by unfair prejudice.	
0583	1112	4/28/2006	RAUPDATE0035808	RAUPDATE0035810	Email from Gene Gregory to Marcus Rust "Do we Need to Talk?"	105; 402; 403; 802	Relevant statements by party opponents and co-conspirators; admissible under 801(d)(2)(A) through (E). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0584	1113	Multiple	RA0067672	RA0067692	Estimated Costs to Meet Animal Welfare Guidelines	105; 403; 802; 901	Relevant to Rose Acre participation in conspiracy and discussion of compliance with UEP guidelines. Admissible under 801(d)(2)(A), (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against Rose Acre.	
0585	1114	12/10/09	CM00404726	CM00404744	List of UEP Committees for 2010	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0586	1115	11/30/07	CM00404860	CM00404886	List of UEP Committees for 2008	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0587	1117	01/15/04	Hillendale-PA00007167	Hillendale-PA00007190	List of UEP Committees for 2005	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0588	1118	10/25/05	MFI0002767	MFI0002791	List of UEP Committees for 2006	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0589	1119	12/08/06	MFI0027847	MFI0027875	List of UEP Committees for 2007	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0590	1120	12/10/08	MPS-00121416	MPS-00121439	List of UEP Committees for 2009	105, 402, 802	Relevant to show UEP Board and Committee membership. Admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0591	1130	12/21/2001	CM00189920	CM00189925	Industry Statistics and Economic Report, by Dolph Baker	N/A		

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0592	1141	10/20/2004	UE0153245	UE0153246	Shell Egg Marketing Committee, New Orleans, Minutes	105; 402; 403; 802; 805	Relevant to show conspiracy, including flock reduction programs; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice.	Yes
0593	1142	5/15/2001	UE0153466	UE0153467	UEP Marketing Committee Meeting Washington, D.C. Minutes	105; 402; 403; 802; 805	"USDA Commodity Purchase" and "Statistics & Supply Demand Conditions" relevant to show conspiracy; admissible under 801(d)(2)(A) through (E) and 803(6); remainder to be redacted. Probative value not substantially outweighed by prejudicial effect. Admissible against all defendants.	Yes
0594	1143	8/29/2006	UE0218898	UE0218904	Assurance of Voluntary Compliance between certain states and UEP	802	Admissible under 801(d)(2)(A) through (E).	
0595	1144	8/25/2004	UE0649033	UE0649048	Email from Al Pope to T. Hammond, K. Brown, D. Ortt re NAD News Release, Egg Industry Will Pursue Labeling Issue with FTC (Pope Ex. 33)	105; 802	Admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants.	
0596	1146	01/25/05	UE0153150	UE0153154	UEP Board of Directors Meeting, Atlanta, GA	105; 402; 403; 802; 805; 901; Noerr Pennington	"Chairman's Comments," "Marketing Committee Report," "Animal Welfare Committee Report" relevant to show conspiracy, including prices, early slaughter programs, audits, and use of certified logo; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Remainder to be redacted.	Yes
0597	1147	11/29/04	UE0176036	UE0176036	Letter from G. Gregory to OFE	105; 402; 403; 802; 805	Relevant to show conspiracy and early slaughter program; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice.	
0598	1148	01/09/04	UE0216802	UE0216802	Signature page from the 2003 application to be classified as an Animal Husbandry Certified Company	402	Relevant to certification and audits. 803(6).	
0599	1149	11/23/04	UE0368631	UE0368636	United Voices Newsletter	802*	"Egg Industry 'Economic Summit'" admissible under 801(d)(2)(A) through (E); remainder to be redacted.	
0600	1151	2006	MFI0003005	MFI0003007	Michael Foods Egg Products Co. Certification	None		
0601	1152	2002	UE0174607, UE0216829	UE0174609	Rose Acre Farms Certification	None		
0602	1153	2002	UE0174607, UE0216875	UE0174609	Wabash Valley Produce Certification	None		

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0603	1154	2002	UE0174607, UE0273886	UE0174609	Cal-Maine Foods, Inc. Certification	None		
0604	1155	2006	UE0212794	UE0212798	2006 Audits	402; 403; 802	Relevant to show reporting of flock size and compliance with UEP guidelines; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0605	1156	2003	UE0329199	UE0329204	2003 Audits	402; 403; 802; 805	Relevant to show reporting of flock size and compliance with UEP guidelines; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0606	1157	2004	UE0329858	UE0329864	2004 Audits	402; 403; 802; 805	Relevant to show reporting of flock size and compliance with UEP guidelines; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0607	1158	2008	UE0340088	UE0340095	2008 Audits	402; 403; 802	Relevant to audits and compliance with UEP guidelines; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0608	1159	2005	UE0658537	UE0658541	2005 Audits	402; 403; 802; 805	Relevant to show reporting of flock size and compliance with UEP guidelines; shows producers going out of business or terminating certification; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0609	1160	2006	UE0658574	UE0658577	2006 Audits	402; 403; 802	Relevant to show reporting of flock size and compliance with UEP guidelines; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0610	1161	2007	UE0667434	UE0667438	2007 Audits	402; 403; 802	Relevant to show reporting of flock size and compliance with UEP guidelines; shows producers going out of business or terminating certification; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0611	1162	10/21/2004	UE0153242	UE0153244	Annual Membership Meeting Minutes Electing Board of Directors	105; 402; 403; 802	Shows Cal-Maine, Rose Acre, MFI, Moark, Wabash Valley execs appointed to UEP Board; admissible under 801(d)(2)(A) through (D) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0612	1163	2006	CM00251953	CM00251968	Cal-Maine Foods, Inc. Certification	None		

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0613	1164	2005	CM00403213	CM00403213	Cal-Maine Foods, Inc. Certification	None		
0614	1166	2007	KRGEG00017589	KRGEG00017589	Rose Acre Farms, Inc. Certification	None		
0615	1167	2008	KRGEG00019614	KRGEG00019615	Wabash, Ballas, Brown Certification	None		
0616	1168	2010	MFI0017435	MFI0017436	Michael Foods Egg Products Co. Certification	None		
0617	1169	2005	RA0009901	RA0009901	Rose Acre Farms, Inc. Certification	None		
0618	1170	2008	RA0074974	RA0074974	Rose Acre Farms, Inc. Certification	None		
0619	1171	2003-2007	RA0075056	RA0075061	Rose Acre Farms, Inc. Certification	None		
0620	1172	2002	RA0080377	RA0080457	Rose Acre Farms, Inc. Certification	None		
0621	1173	2007	UE0148884	UE0148884	Cal-Maine Foods, Inc. Certification	None		
0622	1175	2008	UE0152377	UE0152377	Wabash Valley Produce Certification	None		
0623	1176	2005	UE0665212	UE0665212	Wabash Valley Produce Certification	None		
0624	1177	2009-2012	UE0950925	UE0951660	Cal-Maine Foods, Inc. Certification	None		

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0625	1179	2009-2012	UE0958044	UE0958138	Rose Acre Farms, Inc. Certification	None		
0626	1180	2009-2012	UE0960408	UE0960459	Wabash Valley Ballas Egg Brown Produce UEP Certificates of Compliance	Misleading compilation	Relevant to UEP audits and compliance with UEP guidelines; not misleading.	
0627	1187	11/22/2006	CM00406589	CM00406591	Gregory Letter to USEM members re recent export of 90 containers	105; 802	Admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants.	
0628	1188	10/3/2006	CM00455547	CM00455558	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	"UEP Elects Officers and Board of Directors for 2007" admissible under 801(d)(2)(A) through (E); remainder to be redacted, including "Washington Report." Admissible against all defendants.	
0629	1190	1/1/2004	Hillandale-PA00007132	Hillandale-PA00007152	2004 UEP Committee Appointments for 2004	105; 402; 802	Relevant to show co-conspirators represented on UEP Board and Committees; admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants.	Yes
0630	1191		KRA00045832	KRA00045841	Undated (though likely 2009) internal Kraft presentation by Scott Manion, titled "Liquid Eggs Category: Short-Term Recommendation."	802	Admissible under 803(6).	
0631	1192	00/00/0000	KRA00046948	KRA00046959	Wabash Valley Produce Kraft Meeting	105, 802	Admissible under 803(6).	
0632	1193	1/1/2002	MFI0023076	MFI0023096	2002 UEP Committee Appointments for 2002	802	Admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants.	
0633	1195	9/21/2001	UE_DEP_0000501	UE_DEP_0000502	Export Commitment Share of 50 Loads	402; 403; 802	Evidence of exports and required commitment from members; admissible under 801(d)(2)(A) and (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0634	1196	9/1/2001	UE_DEP_0000503	UE_DEP_0000504	United States Egg Marketers, Members - September 2001	105; 402; 403; 802	Relevant to exports and flock size; admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	

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0635	1197	10/22/2004	UE_DEP_0000539	UE_DEP_0000550	USEM Annual Membership Meeting Materials	105; 402; 403; 802	Evidence of exports and required commitment from members, including exports during period of increased domestic demand; admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	
0636	1199	10/1/2002	UE_DEP_0000630	UE_DEP_0000632	Case Volume for Exports	402; 403	Evidence of exports and required commitment from members. Admissible under 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0637	1200	4/8/2002	UE0135806	UE0135809	United Voices Newsletter, Gene Gregory Editor.	802*	"Large Sign Up for 'Certified Company' Status," "Board Adopts Welfare Committee Recommendations," "Layers Same a Year Earlier," and "Adjust Supply for Low Demand Period" admissible under 801(d)(2)(A) through (E); remainder to be redacted. Admissible against all defendants.	
0638	1201	10/18/2007	UE0147617	UE0147625	UEP Annual Membership Meeting Chicago, IL Minutes	105; 402; 403; 802; 805	Relevant to flock size represented by membership; shows co-conspirators appointed to UEP Board; admissible under 801(d)(2)(A) through (D) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0639	1202	4/19/2005	UE0153124	UE0153127	UEP's Producer Committee for Animal Welfare meeting minutes.	105; 402; 403; 805	Relevant to show conspiracy. Admissible under 801(d)(2)(A) through (E) and 803(6). Admissible against all defendants. Probative value not substantially outweighed by unfair prejudice.	Yes
0640	1203	12/8/2004	UE0153237	UE0153241	Producer Committee For Animal Welfare December 7-8 Meeting Minutes, Chicago IL.	105; 402; 403; 805	Relevant to show conspiracy, including backfilling ban. Admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0641	1204	6/4/2001	UE0153464	UE0153465	UEP Shell Egg Marketing Committee Conference Call	402; 403; 805	Relevant to show conspiracy, including short term and long term plans to reduce flock size. Admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0642	1205	11/21/2007	UE0197900	UE0197904	USEM Member List	402; 802; 805	Relevant to exports and flock size; admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0643	1206	1/27/2003	UE0198018	UE0198023	USEM Member List	402; 802; 805	Relevant to exports and flock size; admissible under 801(d)(2)(A), (E) and 803(6). Admissible against all defendants.	Yes
0644	1207	1/3/2005	UE0198065	UE0198069	USEM Member List	402; 802; 805	Relevant to exports and flock size; admissible under 801(d)(2)(A), (E), and 803(6). Admissible against all defendants.	Yes
0645	1208	12/5/2003	UE0198080	UE0198085	USEM Member List	105; 402; 403; 802; 805	Relevant to exports and flock size; admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by prejudicial effect. Admissible against all defendants.	Yes

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0646	1209	2/15/2007	UE0268031	UE0268035	USEM Member List	402; 403; 802	Relevant to exports and flock size; admissible under 801(d)(2)(A), (E), and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes
0647	1210	1/12/2001	UE0308215	UE0308235	UEP Committee Appointments for 2001	402; 403; 802	Relevant to show co-conspirators represented on UEP Board and Committees; admissible under 801(d)(2)(A), (E), and 803(6). Probative value not substantially outweighed by prejudicial effect.	Yes
0648	1211	11/12/2003	UE0753377	UE0753385	United Voices Newsletter	802*; Noerr-Pennington (only as to "Washington Report" attachment)	"Egg Prices at Record Levels" admissible under 801(d)(2)(A) through (E). Remainder will be redacted, including "Washington Report." Admissible against all defendants.	
0649	1216	8/9/2006	WVP001694	WVP001694	Email from L. Seger to G. Gregory re Two Separate Industries	105; 402; 403; 802	Relevant to egg products, and plan to limit construction and supply in unified egg market; admissible under 801(d)(2)(E) and 803(6). Relevant to exports and flock size; admissible under 801(d)(2)(A), (E), and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	
0650	1217		WVP000987	WVP001245	WVP's monthly UEP Certified Program compliance reports for the period from August 2002 to December 2008.	402; 403; 802; 803	Relevant to show flock size and compliance with UEP guidelines; evidence of Wabash Valley as co-conspirator; admissible under 801(d)(2)(A) and (E) and 803(6). Relevant to exports and flock size; admissible under 801(d)(2)(A), (E), and 803(6). Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes to individual compliance reports - no to compilation.
0651	1304	3/13/2001	GMI00014925	GMI00014926	Tran Ex. 14, M.G. Waldbaum Company grain based pricing quote for General Mills			
0652	1305	4/26/2006	GMI00031895	GMI00031897	Tran Ex. 11, General Mills delivery invoice from Michael Foods			
0653	1307	2000	UE0204498		Supply Demand - Goals for Year 2000 (UEP Marketing Committee)	802 (hearsay); 805 (hearsay within hearsay)	Admissible under 801(d)(2)(A) through (E) and 803(6).	
0654	1311	3/31/2006	UE0226264	UE0226265	UEP Marketing Committee Conference Call			
0655	1312	2/16/2007	UE0703851		Email from G. Gregory to R. Deffner	802 (hearsay)	Admissible under 801(d)(2)(A) and (E).	
0656	1313	10/18/2006	UE0705882	UE0705883	Email from C. Gregory to A. Andrews	802 (hearsay); 805 (hearsay within hearsay)	C. Gregory statements admissible under 801(d)(2)(A) through (E); G. Gregory statements under 801(d)(2)(A) through (E); and Klippen statements for non-hearsay use.	

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0657	1314	11/22/2006	UE0750448		Message from L. Reickard to USEM Members Not Supplying Eggs for Export	802 (hearsay); 602 (foundation)	Admissible under 801(d)(2)(A) through (E) and 803(6).	
0658	1315	12/8/2006	UE0809068		Email from G. Gregory to many recipients re: Supply/Demand	802 (hearsay)	Admissible under 801(d)(2)(A) through (E) and 803(6).	
0659	1316	9/11/2002	UE0880723		Message from A. Pope from G. Gregory re: UEA F/P Motion	403 (unfair prejudice, confusing issues); (802 (hearsay); 805 (hearsay within hearsay); 602 (foundation)	Relevant to show conspiracy, including discussion of UEP seal and uncertified producers; admissible under 801(d)(2)(A) through (E) and 803(6). Probative value not substantially outweighed by unfair prejudice.	
0660	1318	10/5/2006	UE0930886	UE0930891	Rose Acre Farms letter to Valley Fresh Foods re: concerned about the UEP certified animal care program	802 (hearsay); 805 (hearsay within hearsay)	Admissible under 801(d)(2)(A) through (E); 803(6).	
0661	1319	1/1/1998	UE0204519	UE0204519	NOTICE, Supply/Demand Alert, UEP Marketing Committee Recommends Plan	802 (hearsay); 701/702 (improper expert opinion)	Admissible under 801(d)(2)(A) through (E) and 803(6); not improper expert opinion.	
0662	1320	8/29/2000	UE0065342	UE0065342	UEP Memo from Gene Gregory to UEP Members re USEM Membership & Export Commitment	802 (hearsay)	Admissible under 801(d)(2)(A) through (E) and 803(6).	
0663	1321	8/18/2008	CM00405005	CM00405016	Membership & Member Services Report, Area Meetings			
0664	1323	10/13/2006	UE0297568	UE0297569	USEM Annual Membership Meeting Minutes, San Antonio, TX, Minutes			
0665	1324	4/27/2007	CM00449390	CM00449397	United Voices Newsletter	802*	"USEM Takes Another Export," "Cal-Maine Foods and Country Creek Farms to Acquire Arkansas Farm," "Promising Signs From Layer Flock Size," industry statistics, "Monthly Disappearance," "Retail Animal Welfare Conference" admissible under 801(d)(2)(A) and (E); will redact remaining portions.	
0666	1325	11/25/2002	MOARK0027432	MOARK0027435	USEM memo from Gene Gregory to All USEM Members re Major Export Benefit	802 (hearsay); 805 (hearsay within hearsay)	Admissible under 801(d)(2)(A) through (E); 803(6)	

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0667	1326	4/19/2005	MFI0039545	MFI0039547	UEP Animal Welfare Committee Meeting Notes	802 (hearsay); 602 (foundation)	801(d)(2)(A), (E); and 803(6); relevant to motions discussed in meeting minutes at IR 1202.	
0668	1327	00/00/0000	UE0216784	UE0216784	Animal Husbandry Certified Company form for Moark Productions LLC	None		
0669	1328	7/9/2001	RA0080836	RA0080863	UEP United Voices, "Hatch Continues to Increase"	802*	"Hatch Continues to Increase," "Don Bell's table Egg Layer Flock Projections and Economic Commentary - 2001," and industry statistics Admissible under 801(d)(2)(A) through (E). Remainder to be redacted.	
0670	1329	2/26/2003	MOARK0003221	MOARK0003226	UEP United Voices, "Challenge to 100% Commitment of Welfare Guidelines"	802*	Willardson email admissible under 801(d)(2)(E). G. Gregory email below admissible under 801(d)(2)(A) and (E).	
0671	1330	5/14/2002	CM00274078	CM00274094	UEP Spent Hen Committee	802 (hearsay); 602 (foundation)	Admissible under 801(d)(2)(A) through (E) and 803(6).	
0672	1331	12/16/2004	CM00190385	CM00190391	UEP Board of Directors Conference Call Minutes	602 (foundation)	Admissible under 801(d)(2)(A) through (E) and 803(6). Produced by Cal-Maine	
0673	1332	10/14/2002	UE0153508	UE0153508	USEM Meeting Minutes			
0674	1333	1/16/2018	N/A	N/A	Business Wire Article Cal-Maine Foods Issues Response to Animal Rights Group in Florida	802 (hearsay); 805 (hearsay within hearsay); 402 (relevance); 403 (unfair prejudice, confusing issues)	Shows Cal-Maine mistreatment of hens after being certified by UEP, and UEP program was not effective for animal welfare; admissible under 801(d)(2)(A).	
0675	1333A	00/00/2017	N/A	N/A	ARM Operation Cal-Maine video	802 (hearsay); 402 (relevance); 403 (unfair prejudice, confusing issues)	Shows Cal-Maine mistreatment of hens after being certified by UEP, and UEP program was not effective for animal welfare. Admissible against Cal-Maine and UEP. Probative value not substantially outweighed by unfair prejudice.	
0676	1334	5/29/1999	N/A	N/A	1999 CalMaineFoods_10K_19990825			Yes
0677	1335	6/3/2000	N/A	N/A	2000 CalMaineFoods_10K_20000821			Yes

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0678	1336	6/2/2001	N/A	N/A	2001 CalMaineFoods_10K405_20010813	105	Admissible against all defendants	Yes as to financial statements, no to narratives.
0679	1337	9/19/2001	N/A	N/A	2001 CalMaineFoods_10K405A_20010919	105, 402	Relevant and admissible 10K by Cal-Maine showing financial performance for fiscal year ending June 2, 2001. Admissible against all defendants	Yes as to financial statements, no to narratives.
0680	1338	6/1/2002	N/A	N/A	2002 CalMaineFoods_10K_20020816	105	Admissible against all defendants	Yes as to financial statements, no to narratives.
0681	1339	6/27/2002	N/A	N/A	2002-06-27 HSUS Press Release	802 (hearsay); 805 (hearsay within hearsay); 602 (foundation)	Non-hearsay purpose (notice and effect on listener)	
0682	1340	5/31/2003	N/A	N/A	2003 CalMaineFoods_10K_20030812	802 (hearsay); 403 (irrelevance and prejudice from legal proceedings section)	Flock size and sales information relevant and admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by unfair prejudice.	Yes as to financial statements, no to narratives.
0683	1341	5/30/2009	N/A	N/A	2009 CalMaineFoods_10K_20090811	802 (hearsay); 403 (irrelevance and prejudice from legal proceedings section); 402 (Plaintiffs have asserted post-2008 records inadmissible)	Flock size and sales information relevant and admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by unfair prejudice.	Yes as to financial statements, no to narratives.
0684	1342	6/2/2012	N/A	N/A	2012 CalMaineFoods_10K_20120806	802 (hearsay); 403 (irrelevance and prejudice from legal proceedings section); 402 (Plaintiffs have asserted post-2008 records inadmissible)	Flock size and sales information relevant and admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by unfair prejudice.	Yes as to financial statements, no to narratives.
0685	1343	6/1/2013	N/A	N/A	2013 CalMaineFoods_10K_20130805	802 (hearsay); 403 (irrelevance and prejudice from legal proceedings section); 402 (Plaintiffs have asserted post-2008 records inadmissible)	Flock size and sales information relevant and admissible under 801(d)(2)(A) and 803(6). Probative value not substantially outweighed by unfair prejudice.	Yes as to financial statements, no to narratives.
0686	1344	2013	N/A	N/A	Cal-Maine Acquisitions and Construction 1990-2013	None		
0687	1346	9/18/2000	CM00189296	CM00189317	Memo from G. Gregory to UEP Producer Committee for Animal Welfare re AHA Welfare Standards	802 (hearsay); 805 (hearsay within hearsay); 602 (foundation)	Admissible under 801(d)(2)(A), (E). Non hearsay use (effect on listener).	
0688	1347	5/31/2008	CM00648911	CM00648914	Cal-Maine Operating Data and Plant Locations 1992-2008	None		
0689	1352	6/11/2003	UE0199035	UE0199047	COK False Advertising Claim with National Advertising Division Council of BBB	802 (hearsay); 805 (hearsay within hearsay); 402/403 (irrelevant and unfairly prejudicial); 602 (lacks foundation)	Relevant, non-hearsay purpose (notice and effect on listener); complaints that "Animal Care Certified" program and use of logo were misleading. Probative value not substantially outweighed by unfair prejudice.	

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0690	1353	9/28/1999	UE_DEP_0000462	UE_DEP_0000471	USEM Plant List	602 (lacks foundation)	Admissible under 803(6). For purposes of identification in Blizzard designation.	
0691	1354	2/28/2001	UE_DEP_0000472	UE_DEP_0000482	UEP Invoices	402 (irrelevant)	Relevant to export commitments	
0692	1356	10/10/2000	UE0297075	UE0297088	USEM Organizational Meeting Agenda, proposed by-law amendments and meeting materials	802 (hearsay)	"Members of USEM by Region" shows membership and flock size; "Reasons to Be a Participant in a National Shell Egg Export Program and Member of USEM" shows exports and impact on prices; admissible under 801(d)(2)(A) and 803(6).	
0693	1357	11/22/2000	UE_DEP_0000498	UE_DEP_0000500	G. Gregory Memo to Blizzard et al re USEM export order	802 (hearsay); 602 (lacks foundation)	Export commitments; admissible under 801(d)(2)(A) and (E) and 803(6).	
0694	1358	11/7/2006	CM00406591	CM00406591	G. Gregory Letter to USEM members re changes on current export order	802 (hearsay); 602 (no foundation)	Export commitments; admissible under 801(d)(2)(A) and (E) and 803(6).	
0695	1363	00/00/0000	N/A	N/A	Cal-Maine UEP-USEM Involvement			
0696	1365	12/10/2003	BELL0002761	BELL002763	Bell Commentary "High Egg Prices and Molting"	802 (hearsay); 602 (no foundation); 701/702 (improper expert opinion)	Admissible under 801(d)(2)(A) and (E). For purposes of identification in Bell designation	
0697	1366	00/00/2002	BELL-D-00000024	BELL-D-00000042	"Introduction to the US Table-Egg Industry"	802 (hearsay); 602 (no foundation); 701/702 (improper expert opinion)	Admissible under 801(d)(2)(A) and (E).	
0698	1368	3/5/2002	MOARK0000101	MOARK0000101	Email from C. Willardson to D. Brown re UEP Guidelines	802 (hearsay); 602 (no foundation)	Shows UEP guidelines' effect on Moark layers; admissible under 801(d)(2)(E) and 803(6).	
0699	1369	8/3/2007	MOARK0001658	MOARK0001659	Email from G. Gregory to M. Rust et al., re "Need Your Help" USDA PVP	802 (hearsay)	Admissible under 801(d)(2)(A) and (E).	
0700	1370	4/18/2007	MOARK0005475	MOARK0005476	Email from M. Lemire to L. Reickard, copying C. Willardson re Past Due Invoice			
0701	1371	10/26/2006	MOARK0017526	MOARK0017526	Email from C. Willardson to D. Hudgens and B. Hodges re UEP Export Order	802	801(d)(2)(E); non-hearsay purpose.	

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0702	1372	10/23/2006	MOARK0036917	MOARK0036918	Email from C. Willardson to J. Kil re G. Gregory email re Export Order	802 (hearsay as to top email)	Willardson email admissible under 801(d)(2)(E). G. Gregory email below admissible under 801(d)(2)(A) and (E).	
0703	1384	1/22/2007	RA0084247	RA0084249	Email from J. Miller to M. Rust et al., attaching 1/22/2007 Rose Acre Letter to USDA-AMS	802 (hearsay as to parties other than RAF)	Admissible under 801(d)(2)(A) and (E).	
0704	1386	1/23/2007	UE0154000	UE0154001	UEP Marketing Committee Minutes			
0705	1387	10/17/2006	UE0707359	UE0707365	M. Rust-C. Gregory email chain re Klippen & Sparboe	802 (hearsay as to CMF); 805 (Klippen email is hearsay within hearsay)	Admissible under 801(d)(2)(A) and (E); Klippen email for non-hearsay purpose.	
0706	1389	4/17/2002	MOARK-IPP-0019461	MOARK-IPP-0019470	Email chain re WalMart Specs	802 (hearsay)	Non hearsay use (effect on listener).	
0707	1391	12/15/2005	RAUPDATE0035857	RAUPDATE0035857	Email exchange between M. Rust and G. Gregory re egg washing			
0708	1392	00/00/2006	UE0754535	UE0754561	UEP Committee Appointments for 2006			
0709	1393	6/15/2006	RAUPDATE0034691	RAUPDATE0034691	B. Ginnane-M. Rust email exchange re Egg White inventory	802 (hearsay as to CMF and UEP USEM)	Admissible under 801(d)(2)(A) and (E). Admissible against all.	
0710	1394	00/00/2005	UE0793299	UE0793300	Egg Industry Economic Alert	802 (hearsay)	Admissible under 801(d)(2)(A) and (E) and 803(6).	
0711	1395	12/1/2002	N/A	N/A	2002-12-01 Cal-Maine 10-Q	105, 802	Admissible under 801(d)(2)(A) and 803(6). Admissible against all defendants.	Yes as to financial statements, no to narratives.
0712	1396	11/27/2004	N/A	N/A	2004-11-27 Cal-Maine 10-Q	105, 802	Admissible under 801(d)(2)(A) and 803(6). Admissible against all defendants.	Yes as to financial statements, no to narratives.
0713	1397	00/00/1999	UE0169150	UE0169163	UEP Committee Appointments for 1999			

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0714	1398	11/26/2005	N/A	N/A	2005-11-26 Form 10-Q	105, 802, 402, 403 (legal proceedings section)	Relevant to changes in shell egg prices; admissible under 801(d)(2)(A) and 803(6); will redact legal section. Admissible against all defendants.	Yes as to financial statements, no to narratives.
0715	1402	11/29/2004	UE0176011	UE0176011	UEP-Gregory Letter to Moark re intention to reduce flock size	802 (hearsay); 805 (hearsay within hearsay); 602 (no foundation)	Admissible under 801(d)(2)(A) and (E) and 803(6).	
0716	1403	11/29/2004	UE0176010	UE0176010	UEP-Gregory letter to Hillandale Farms re intention to reduce flock size	802 (hearsay); 805 (hearsay within hearsay); 602 (no foundation)	Admissible under 801(d)(2)(A) and (E) and 803(6).	
0717	1406	6/2/2007	N/A	N/A	2007 Cal-Maine 10-K	105; 802 (hearsay); 402, 403 (legal proceedings section)	Admissible under 801(d)(2)(A) and 803(6). We will redact legal proceedings section. Probative value not substantially outweighed by unfair prejudice. Admissible against all defendants.	Yes as to financial statements, no to narratives.
0718	1407	2000-2014	N/A	N/A	David Report Exhibit 12			
0719	1408	10/00/2008	RA0069754	RA0069769	Watt Egg Industry Newsletter	802 (hearsay); 805 (hearsay within hearsay); 402 (irrelevant portions)	For identification purposes only	
0720	1409	00/00/0000	UE0186974	UE0186975	Rose Acre Farms - The Good Egg People	802 (as to CMF, USEM, and RAF)	Admissible under 801(d)(2)(A) and (E). Admissible against all.	
0721	1411	4/14/2003	RA0005326	RA0005326	Email from G. Hinton to B. Borna re Animal Care Certified Logo	802 (as to CMF and UEP-USEM)	Admissible under 801(d)(2)(A) and (E). Admissible against all.	
0722	1412	8/6/2009	N/A	N/A	2009 Rose Acre Farms Consolidated Financial Statement and Supporting Schedules			
0723	1413	8/5/2010	N/A	N/A	2010 Rose Acre Farms Consolidated Financial Statement and Supporting Schedules			
0724	1414	2000 - 2015	N/A	N/A	David Report Exhibit 13			
0725	1415	6/1/2005	MOARK0001079	MOARK0001080	UEP Shell Egg Marketing Committee Conference Call Minutes	802 (hearsay); 403 (markings)	Admissible under 801(d)(2)(A) and (E) and 803(6); redact markings. Probative value not substantially outweighed by unfair prejudice.	

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0726	1417	10/17/2005	NL004009	NL004009	Email from G. Gregory to M. Rust, et al., re UEP Program Review	802 (hearsay)	Admissible under 801(d)(2)(A) and (E).	
0727	1418	00/00/2005	RA0033885	RA0033891	Rose Acre Farms Vendor Profile - Company Description			
0728	1419	2002-2013	N/A	N/A	Rose Acre's Participation in UEP and USEM Boards and Committees			
0729	1420	4/21/2006	RAUPDATE0034892	RAUPDATE0034892	Email from G. Hinton to K. Hendrix, M. Rust re UEP	105, 802 (as to CMF and UEP-USEM)	Admissible under 801(d)(2)(A) and (E). Admissible against all defendants.	
0730	1421	4/13/2012	N/A	N/A	RA's Objections and Answers to Plaintiffs' First Set of Interrogatories (Kansas)			
0731	1422	00/00/2003	KEL00006643	KEL00006648	2002 Kellogg Organization Chart			
0732	1424	11/00/2004	KEL00007876	KEL00007876	2004 Kellogg Organization Chart			
0733	1425	11/1/2007	KEL00014917	KEL00014942	2007 Kellogg Organization Chart			
0734	1426	12/4/2008	NES000003217	NES000003219	Trask-Roberts email exchange copying Feyman re Michael Foods Pricing	802 (hearsay)	Non hearsay (effect on listener). And admissible through 803(6).	
0735	4		HS000007	HS000010	Cal-Maine Videos Cal-Maine Egg Laying Hens vides (no bates)	105; 106, 402, 403, 404(a), 602, 802, 805, 901	Video shows Cal-Maine's mistreatment of hens after being certified by UEP. Relevant to show Cal-Maine was not motivated by animal welfare concerns and that UEP program was not effective for animal welfare. Probative value not substantially outweighed by unfair prejudice. Statements by reporter and interviewee will be redacted. Admissible against Cal-Maine and UEP.	

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0736	594		N/A	N/A	Group Exhibit - Urner Berry Data	402; 802; 901; 1006	Relevant, 803(6), non-hearsay purpose (effect on listener), authentic; unclear what 1006 objection could possibly be	Yes	
0737	675				Urner Barry Comtell, Eggs History, http://www.ubcomtell.com/History/HistMenuE.aspx?l=6&t=e&sourcenum=2&hm=1 .	UNABLE TO ID PDF; ALL OBJECTIONS RESERVED			
0738	682				Group Exhibit - Cal-Maine Foods transaction data for March 1996 to January 2013.	None			
0739	684				Group Exhibit - General Mills, Inc. transaction for January 1999 to December 2012.	None	Authentic; 803(6)		
0740	686				Group Exhibit - Kraft Foods Group, Inc. transaction data for September 2008 to August 2013.	None	Authentic; 803(6)		
0742	687				Group Exhibit - Michael Foods transaction data for February 1997 to December 2012.	None			
0743	691				Group Exhibit - Nestle USA, Inc. transaction data for January 2000 to December 2012	None	Authentic; 803(6)		
0744	693				Group Exhibit - Rose Acre Farms transaction data for August 1999 to October 2012.	None			
0745	696				Group Exhibit - The Kellogg Company transaction data for January 2002 to December 2012.	None	Authentic; 803(6)		
0746	1225	RESERVE			Summary exhibits to be created or identified by any Plaintiff	Defendants reserve all evidentiary objections until such document is identified.			
0747	1226	RESERVE			Any document or data turned over or identified in any report written by any expert on either Plaintiffs' or Defendants' witness list.	Defendants reserve all evidentiary objections until such document is identified.			
0748	1227	RESERVE			Any deposition exhibits incorporated or referenced in Plaintiffs' deposition designations that are not otherwise identified herein.	Defendants reserve all evidentiary objections until such document is identified.			

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0749	1228	RESERVE			Any exhibit listed by the Defendants	Defendants reserve all evidentiary objections until such document is identified.		
0750	532	6/3/2006	CM00439266	CM00439343	Cal-Maine 10-K for year ending June 3, 2006.	105, 802 (as to RAF, UEP, USEM)	Flock size and sales information relevant and admissible under 801(d)(2)(A) and 803(6); admissible against all defendants.	Yes
0751		4/8/2008	CM00511087	CM00511112	Letter to WalMart from USDA			
0752	527	7/31/2007	CM00253337	CM00253339	Investors Business Daily article: "High Corn prices Drive Up Eggs and Help Cal-Maine Have Fun."	701, 802, 805, 602, 403	703, probative value not substantially outweighed by unfair prejudice	
0753	531	1/2/2008	CM00427428	CM00427428	UEP Press Release "Traditional Eggs May Have Lower Impact on Global Warming.	802 (as to RAF, CMF, USEM)	703, 801(d)(2)(A). Admissible against all defendants.	
0754	571		MOARK0000338	MOARK0000342	Memorandum re: What Happens If 100% Committed is Changed?	105; 106; 802* (as to RAF, CMF, USEM); 805	703, 801(d)(2)(A), 801(d)(2)(E), non-hearsay purpose. Admissible against all defendants.	
0755		1/30/2002	MOARK0000343	MOARK0000343	Email to K. Looper from G. Gregory re Change 100% Commitment doc.	403 (incomplete); 802*	801(d)(2)(A), 801(d)(2)(E), non-hearsay purpose; probative value not substantially outweighed by unfair prejudice; Tr. Ex. 754 is attachment to email. Admissible against all defendants.	
0756		11/1/2005	CM00412623	CM00412628	Feedstuffs article: Egg Producers looking at marketplace options.	802, 805, 403	703, probative value not substantially outweighed by unfair prejudice	
0757		00/00/2008	Hillendale-PA00005401	Hillendale-PA00005428	UEP 2008 Production Planning Calendar	802* (as to RAF, CMF, USEM)	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	Yes
0758		12/00/2006	MFI0017580	MFI0017583	MFI Monthly Compliance Report	802* (as to RAF, CMF, USEM)	801(d)(2)(A), (E), 803(6), non-hearsay purpose. Admissible against all defendants.	Yes
0759		6/1/2005	NL00052848	NL00052849	Email from R. Deffner to B. Bookey re ACC Program	802*	801(d)(2)(A), (E). Admissible against all defendants.	
0760		6/16/2008	RA0071932	RA0071934	Email Chain between J. Rust and M. Rust re 5 year 10 year	802* (as to CMF, UEP, USEM)	801(d)(2)(A), (E). Admissible against all defendants.	

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Plaintiff Exhibit	Plaintiff Initial Reference No	Date	Beg Bates	End Bates	Descriptions	Defendants Objections	Basis for Admissibility	Business Record Stipulation
0761		6/6/2006	RAUPDATE0071779	RAUPDATE0071833	RA Validus UEP Checklist for Animal Husbandry Audits	802* (as to CMF, UEP, USEM)	801(d)(2)(A), (E), 803(6). Admissible against all defendants.	Yes
0762		2/14/2000	UE0065850	UE065855	United Voices Newsletter	802* (as to RAF, CMF, USEM); Noerr-Pennington (only as to "Washington Report" attachment)	Article "Nearly 100,000 Case Export," "Chick Hatch Down," "Membership Dues," "nationwide Egg Market Outlook," "Schrader's Egg Price Memo," "USDA Poultry Statistics" admisslbe under 801(d)(2)(A), (E) and non-hearsay purpose (effect on listener); Will redact remainder. Admissible against all defendants.	
0763		12/17/2001	UE0067449	UE0067450	United Voices Newsletter	802* (as to RAF, CMF, USEM)	801(d)(2)(A), (E). Admissible against all defendants.	
0764		00/00/2007	UE0212625	UE0212625	Reduce Egg Supply Between Easter & Labor Day	802* (as to RAF, CMF, USEM)	801(d)(2)(A), (E). Admissible against all defendants.	
0765		00/00/2008	UE0394297	UE0394298	2008 USEM Membership Agreement and Export Commitment			Yes
0766		10/22/2014	N/A	N/A	Consumer Price Index (CPIAUCSL Data)	402	1006	
0767		1990-2012	N/A	N/A	Consumer Price Index for All Urban Consumers: All Items January 1990 - December 2012	402	1006	
0768			N/A	N/A	Summary: Cal-Maine Shell Egg Sales	[Awaiting copy of summary to assess objections]	All applicable bases	
0769			N/A	N/A	Summary: Cal-Maine Laying Flock Size	[Awaiting copy of summary to assess objections]	All applicable bases	
0770			N/A	N/A	Summary: Cal-Maine Profits	[Awaiting copy of summary to assess objections]	All applicable bases	
0771			N/A	N/A	Summary: UEP Committee Membership	[Awaiting copy of summary to assess objections]	All applicable bases	

September 9, 2023

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APPENDIX 9-1
Kraft Foods Global, Inc., et al. v. United Egg Producers, Inc., et al.
Plaintiffs' Trial Exhibit List

Plaintiff Exhibit	Plaintiff Initial Reference No	Date	Beg Bates	End Bates	Descriptions	Defendants Objections	Basis for Admissibility	Business Record Stipulation
0772			N/A	N/A	Summary: Short Term Measures	[Awaiting copy of summary to assess objections]	All applicable bases	
0773			N/A	N/A	Summary: State Laws	[Awaiting copy of summary to assess objections]	All applicable bases	
0774			N/A	N/A	Summary: UEP Short Term Measures	[Awaiting copy of summary to assess objections]	All applicable bases	
						* indicates a hearsay objection that will likely be resolved by the Court's final opinion on the Plaintiffs' <i>Santiago</i> Proffer. Other hearsay objections may likewise be resolved by that opinion.		